

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 4, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, SEPTEMBER 4, 2015, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This regular meeting of the Council of the County of Maui will please come to order.

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, nine Members are present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And for this morning's opening remarks, we have the remarks from Councilmember Riki Hokama.

OPENING REMARKS

The opening remarks were offered by Councilmember Riki Hokama.

CHAIR WHITE: Thank you very much, Mr. Hokama.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Before we proceed, everyone would follow Mr. Hokama's lead and turn off your phones, and--

COUNCILMEMBER HOKAMA: My apologies, Chairman.

CHAIR WHITE: Not a, not a problem. We all forget time to time.

Good morning, Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI: Good morning.

CHAIR WHITE: Mr. Clerk, will you proceed with the agenda.

COUNTY CLERK: Mr. Chair, proceeding with the ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 15-92

CONGRATULATING CAMRYN HENRY FOR
WINNING GOLD MEDALS AT THE AUSTRALIAN
OPEN AND THE 2015 USA TAEKWONDO
NATIONAL CHAMPIONSHIPS

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING CAMRYN HENRY FOR WINNING GOLD
MEDALS AT THE 2015 AUSTRALIAN OPEN AND THE 2015
US NATIONAL TAEKWONDO CHAMPIONSHIPS".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Couch and a second from Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. It, it's a great honor to do this reso. Let me start off by asking, how do you define champion? It's usually someone who has defeated or surpassed all rivals in a competition, especially in sports.

CHAIR WHITE: Would you like to have the Clerk read the resolution?

COUNCILMEMBER COUCH: Oh, I'm sorry. Yes.

CHAIR WHITE: Thank you.

COUNCILMEMBER COUCH: May I request that the Clerk read the reso, please?

CHAIR WHITE: Thank you. So, ordered.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. And, it's a good thing we had that read because it helps put my, my comments into comp, geez, context. All right, let me start again. I want to ask you, how do you define champion? It's usually someone who has defeated or surpassed all rivals in a competition, especially in sports.

To be a champion means not only bringing your best on the day of competition, but continually developing and improving both physical skills and mental discipline over the course of many years. A champion is one who skipped fun events and went to practice, who has endured injuries and learned from defeats.

Camryn completed, competed in the Australian Open in Melbourne, her first international competition determined to give her very best. She brought focus and self-control to each bout, telling herself to concentrate, take one at a time, win the match, and go to the next one. She met Olympians, and she knew she wanted to be one of them.

She then went on to Texas, winning the gold medal by beating all the other competitors in her weight bracket, and becoming the first athlete from Maui to win a national championship in a black belt world-class division.

During the team trials portion of the competition, she withdrew due to a knee injury in a bout against a girl she had beaten earlier in the semi-finals, which officially made her the U.S. Junior National B-Team Member. However, she has been selected to represent Team USA and compete as the official U.S. Junior National Team member in the Pan Am Junior Taekwondo Championships in Aguascalientes, Mexico.

Camryn is here with us today because no matter what the challenge, she never gives up. She knows what it takes to excel in her sport and knows how to bring it when it counts. With the help and guidance of her coaches, Masters Gunter and Miles Kiffmann, Camryn plans to train for and compete in the Olympics, and I have no doubt she will succeed. She leaves tomorrow for Mexico, and we wish her all the best.

I ask the Members for their full support of this resolution.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any other discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. This just jogs my memory, once upon a time, I'd say 15 plus years ago when I earned my black belt in Taekwondo. And so, I understand the hard work and the injuries that occur, but, and the competition, and the dedication, and, and yes, the perseverance through it all.

So, congratulations. It's more than I've ever gotten in, in my, you know, stint at Taekwondo. But, it's such a wonderful sport, lays a great foundation for our young adults to become very great, prominent, and successful adults. And, I've seen it go

through our little school in Lahaina, Casco's Taekwondo, and the children that came through the ranks have just excelled in life.

So, congratulations to Camryn and her, of course, family, and coaches, and everyone that makes it happen. But, it really is that indomitable spirit within her that has persevered to make her successful, as successful as she is. And, I can see she will continue on, so, congratulations and yup, making us proud once again Maui County. So, mahalo for that. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, I would also like to offer my congratulations to Camryn and her family. And, again, Camryn, your family is your big support, your coaches, and your teammates also contribute a great deal to your success.

But, it's your perseverance, as mentioned earlier, and your continual, continued desire to be the best, that has driven you to this point. And, I can feel that, not only Maui County, the State of Hawaii, and the United States can be awfully proud of what you've achieved.

Please keep up the good work. We wish you good luck in your next endeavor. And, most importantly, remember, no matter what happens, it's not the way you played, but the way you finished. Good luck. God Bless. Thank you, Chair.

CHAIR WHITE: Members, any further discussion?

I'd just like to add my congratulations for all the accomplishments, and the hard work, and the support of your coaches, and the, your parents. And, thank you again, for making Maui proud. Aloha.

Mr. Couch.

COUNCILMEMBER COUCH: Nope, I'm good. Thank you.

CHAIR WHITE: Would you like them to come?

COUNCILMEMBER COUCH: Until we have the vote.

COUNCILMEMBER COCHRAN: For the vote.

CHAIR WHITE: Oh, yes, thank you. Now, I'm getting a little ahead of myself. Seeing there's, any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

CHAIR WHITE: We're quite a duo this morning.

COUNCILMEMBER COUCH: Yes, I know. I, I would like to request that Camryn and her coach come up and receive our congratulations.

CHAIR WHITE: Thank you.

Come on down.

Mr. Couch.

COUNCILMEMBER COUCH: Okay, Mr. Chair. I wanted to present Camryn, she did tell me when we were taking pictures, that she was the neighbor of Mr. Victorino, so that explains really why he's on the crutches at this point, I think.

Anyway, Camryn, and we'll get you your certificate.

MS. CAMRYN HENRY: Okay. I just wanted to say thank you all for having me. And, I really appreciate you guys recognizing my accomplishments. I leave for Aguascalientes, Mexico, tomorrow, and I promise I will do my very best and make Maui more proud. And, you'll see me in the 2020 Olympics. Thank you.

COUNCILMEMBER COUCH: This is a copy of the resolution. You get the official signed one after it's been passed.

MS. HENRY: Thank you.

COUNCILMEMBER COUCH: So, congratulations.

MR. GUNTER KIFFMANN: I want to thank the Council, and especially Councilmember Don Couch, for recognizing our athlete, Camryn. And, I would also like to thank my wife and my son, that were a big part of her success as an athlete, as well.

My wife is the founder of Kiffmann Taekwondo. We've been teaching here for 20 years and she started, actually, she started our Taekwondo Studio. And, my son was coaching her for the Australian Open, to her victory. And, he's also her main training partner, basically, because there's not too many people in our studio that, that can hold up to Camryn's fighting style.

So, and, I would like to just say, that Cami is, she's been with us for, probably now, what, 10 years? She started as a 6 year-old and she was probably the most unlikely to become a champion because it looked like she had two left legs in the beginning. And, and not very, she was not very coordinated, so she's really a testimony for perseverance, and indomitable spirit. She never gave up. She had many injuries that she had to overcome, and always bounce back, and now she is the champ. Thank you very much.

CHAIR WHITE: Thank you. Congratulations, again, Cami.

Mr. Clerk, moving on with the agenda.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 15-106.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from the District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes, with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. KIT ZULUETA: Good morning, it's Kit from the Hana Office, and there's no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. TINA THOMPSON: Good morning. This is Tina Thompson on the Molokai Office, and the first person to testify at the Molokai Office is Steve Chaikin, who will be testifying on item 15-227.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. STEVE CHAIKIN (testifying on County Communication No. 15-227):

Yes, Honorable Mike White, Chair, and Maui County Councilmembers, thank you for the opportunity to allow me to provide testimony from Molokai. My name is Steve Chaikin, and I'm the Chair of the Molokai Community Plan Advisory Committee, the Molokai CPAC. And, I'm here today to ask for your support on the two resolutions that are before you.

We have been working diligently on the plan, and we've been making good progress. And, I can tell you that, so far, we have a very good plan but it's not complete. We've had a couple of setbacks, and that is we've had a series of hurricanes that have been coming in our direction, and the Planning Department has erred on the side of safety, and cancelled a few of our meetings that set us back.

Also, we have a very passionate community that is very concerned about the future of this island. And, we need to provide the opportunity for them to provide testimony. So, we're asking you to take a look at those resolutions.

I'm supporting the resolution that calls for us to be able to continue our work until October 30, 2015. This will allow us to take the plan that we currently have, and really turn it into a great product. And, I would appreciate your support. I can tell you that the Planning Department has been doing an excellent job on supporting us through this process. And, I'll just leave it at that and hope that you can provide a favorable response to our request.

There are a number of people here from Molokai which would like to provide testimony as well. Thank you very much, County Council.

CHAIR WHITE: Thank you, Mr. Chaikin.

Members, any need for clarification of Mr. Chaikin's testimony? Seeing none, thank you very much for your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Molokai Office, can you advise us as to the number of individuals who have signed up to testify on Molokai this morning.

MS. THOMPSON: I had, I have 11, so 10 more to go.

COUNTY CLERK: Molokai, will you please call up the next testifier, and have the testifier introduce themselves, please.

MS. THOMPSON: Okay, the next testifier is Julia Keli`ikuli-Peters and she's testifying also on, on item 15-227.

MS. JULIA KELI`IKULI-PETERS (testifying on County Communication No. 15-227):

Good morning, Maui Council. I first would like to recognize Chair Mike White, as well as the Councilmembers from Maui. I am in support of the resolution for an end date of October 30, 2015.

My reason for supporting that particular extension is because of the hurricane and the cancellation of meetings. And also the fact that there are important issues that

need to be addressed by the community. And, as a community member, I think we need a little bit more time.

The CPAC members have been diligently working very, very hard with the community. And, I believe that we are at the tail end of completing the task that has been given to them. Thank you.

CHAIR WHITE: Thank you, Ms. Keli`ikuli-Peters.

Members, any need for clarification? Seeing none, thank you for providing testimony this morning.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next person to testify is Jeannine Rossa, and she'll be testifying on item 15-227.

MS. JEANNINE ROSSA (testifying on County Communication No. 15-227):

Aloha kakou. My name is Jeannine Rossa, I'm a biologist and a teacher, and I live here on Molokai. And, today, I'm representing myself.

I support an extension of Molokai's CPAC process through October 30. I think that the additional time will allow more people in the community to be involved from a broader, from broader sectors. And, that will create more community support and buy-in. It will also allow us to involve more people with specific expertise on some particular issues within the CPAC plan. And, I think that the additional time is also fiscally prudent. Involving the public early in the process will save time and money later. Thank you for allowing me to testify.

CHAIR WHITE: Thank you, Ms. Rossa.

Members, any need for clarification? Seeing none, appreciate your providing testimony this morning.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next person to testify is Malcolm Mackey testifying on item No. 15-227.

MR. MALCOLM MACKEY (testifying on County Communication No. 15-227):

My name is Malcolm Mackey, a resident of Molokai, Ualapue. I'm testifying in support of extending the deadline for CPAC to complete its work to the end of October. I'm in support of all of those who, who feel that the community needs more time to get involved. And, I think that `Aha Kiole is a viable way to involve more of the community. Thank you.

CHAIR WHITE: Thank you, Mr. Mackey.

Members, any need for clarification? Seeing none, thank you for your testimony this morning, Mr. Mackey.

Mr. Clerk.

COUNTY CLERK: Molokai, we'll take one more testifier before we proceed with the other testifiers, and we will return to you shortly thereafter. Please introduce your next testifier.

MS. THOMPSON: Next testifier is Keri Zacher, item number testifying on is 15-227.

MS. KERI ZACHER (testifying on County Communication No. 15-227):

Aloha kakou. My name is Keri Zacher. I'm a member of the Mana`e Moku. At the meeting on August 19, I gave testimony quoting Chair Steve Chaikin, from an article in the Molokai Dispatch, "It's going to take the entire community to make the Molokai Community Plan a reality. People need to feel like they're a part of the plan, to get this ownership interest in the plan so you're more likely to make it a reality."

The `Aha Kiole is offering to work with CPAC. They've already reviewed documents combining the previous and current plans into a format that highlights changes and differences. They are willing to bring the plan out to the community through the established Moku and conduct meetings, talk story, sit one-on-one to involve and engage the Molokai community.

What better way to get ownership interest and be more likely to make it a reality. It makes perfect sense.

Not enough? Here is more rationale for the need for community input based on what Maui County Planning Department staff has done in the area of community engagement.

Through chronological order from the website: In the Community Engagement section, the kickoff Event 1 was an open house, June 26, 2010, where 40 plus attended. That was followed by two public workshops, Events 2 and 3, October 2 and 16, 2010, where a total of 124 attended, 40 percent attending both days, 50 for two days, and 74 for one day.

In the Cultural Resources paper prepared by Chris Hart in January 2011. Hart states, "The `Aha Moku initiative is still in its formative stages. It has gained strong support, especially on Molokai where some community members favor local resources management." Hart encourages, "The County should continue to track the progress of the `Aha Moku and initiate open dialogue with its representative regarding County support of the initiative."

There is no evidence the `Aha Kiole was ever contacted, or an open dialogue was started. Given the progress they have made on Molokai, they should have been included between January 2011 and now.

Event 4 was another open house to present past community input on November 15, 2014. There was no data on attendance.

Therefore, from the website, there was a confirmed 164 people total who participated in all the events. The community involvement, then, is approximately 2.2 percent based on the number provided in the 2010 residential population of 7,345.

The Planning Director's overview of community planning process, presented August 19, 2015, in PowerPoint form, "between 2010 and 2014, seven public workshops were held. Up to 69 Molokai residents attended. Planning conducted 145 one-on-one interviews with residents." The community involvement, 214 people, is approximately 2.9 percent.

COUNTY CLERK: Three minutes.

MS. ZACHER: From Appendix 1.1, Molokai History quoted, "During 2010 and 2011, about 40 interviews with Molokai residents were conducted by the County's Planning staff."

It's not clear how many community people/residents were actually involved all through the end of 2010. The data is confusing. There is also no evidence of any

community engagement happening between January 2011 and November 2014, or November 2014 to March 2015.

The Molokai community deserves more input. The `Aha Kiole is willing and able to do the task. There is an opportunity to come together, to influence a plan the committee and the community can be proud of, and to set a precedent for working together successfully. Please grant the October 30 extension requested.

CHAIR WHITE: Thank you, Ms. Zacher.

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, and thank you for your testimony this morning. Can you hear me?

MS. ZACHER: Yes.

COUNCILMEMBER COCHRAN: Oh, thank you. The, who is your `Aha Moku representative? Are you the repre--

MS. ZACHER: Well, we have two.

COUNCILMEMBER COCHRAN: Uh, huh. And what are their names? Do you know?

MS. ZACHER: Yea, Palmer, well . . . is one but the Mana`e representative is Hano Naehu, Naehu. And, Palmer Naki.

COUNCILMEMBER COCHRAN: Okay. Hano, and sorry, Naki is last name, first name?

MS. ZACHER: Palmer.

COUNCILMEMBER COCHRAN: Palmer. Okay. All right. Thank you very much.

CHAIR WHITE: Members, any other need for clarification? Seeing none, thank you for your testimony Ms. Zacher.

Mr. Clerk.

COUNTY CLERK: Molokai, please hold the other testifiers. We'll return to you shortly.

Mr. Chair, we have eight individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Lorrin Pang, MD, with the District Health Office, to be followed by Sharon Eakins. Mr. Pang will be testifying on Committee Report 15-117.

DR. LORRIN PANG, DEPARTMENT OF HEALTH (testifying on Committee Report 15-117):

Ready? Good morning, everyone.

CHAIR WHITE: Good morning, Dr. Pang.

DR. PANG: I'm Lorrin Pang. I speak from our office today, not as a private citizen.

The bill before you, or the law proposed before you is to ban smoking in the bus stops. I just wanted to, I agree with everything the Department of Health sent. They sent me here to represent them, and ask, answer some questions.

I just wanted to put this whole thing in a little bit of perspective. At the turn of the millennium, they were naming people of the century; I guess Albert Einstein was the man of the century. And, they came up with the shame of the century, and it was the, the poor regulation or non-regulation of cigarettes. And, kind of, we learned from that lesson. And, since then, we've done nothing on the Federal level. The FDA is still a little bit, not fully allowed to regulate cigarettes. There was a slight modification, but that really doesn't impact anyone.

As you heard from us today, a lot of things have to be taken into the hands of the counties. And, the counties and the states know real well how to reduce the cigarette consumption. You either tax it, you ask the medical community to repeatedly badger the patients, please don't smoke, please don't smoke, try to open their eyes. And, the final thing is this, the environmental ban. It makes it inconvenient. It resets the norm for cigarettes and tobacco. I think we will continue on for the next century to be the greatest shame of the century. Again, we failed to regulate it, at least at a Federal level.

The thing about e-cigarettes, it was added to the bus stop also, if you watch very carefully, e-cigarettes are poorly regulated. It's not the mechanism, which occasionally does explode and burn, it's what you put in it that is unregulated. And, if

you look forward, maybe 20 or 50 years, that is either going to be regulated, the, the components you put in, or we're going to end up with two shames of the century.

So, I will just leave it at that. And, I'll open it to questions. I'll represent the Department of Health on this one.

CHAIR WHITE: Thank you, Dr. Pang.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Members, any clarification?

Mr. Victorino.

COUNCILMEMBER VICTORINO: And, thank you, Dr. Pang, for being here today. And, I did review your Department's responses, and thank you so much for those responses.

I guess the real question with e-cigarettes that you brought up is the fact that we added it later, because I believe it's the next scourge.

DR. PANG: Yes.

COUNCILMEMBER VICTORINO: But, it's the chemicals that are put in, I'm not talking the coloring and then some of the sweetness which kids are getting sick and, and have even died. But, I'm talking the various chemicals added to satisfy the, the need of the brain for the chemicals. That's what you're referring to, which then affects your body in many other ways.

DR. PANG: Yes, that's exactly, one of the target chemicals was to put in nicotine to satiate the craving of nicotine. If you don't put it in, what, well you know that, the nicotine patch satiates the craving for the nicotine cigarette. Now, the, the real objective is the, the cigarette's nicotine is a big pulse, it's a rush, it's a big hit. We are addicted to the hit. To come off it, you will wean off it, and that has to be very carefully controlled with a patch. In the e-cigarette, since they want to put nicotine to try to withdraw off the cigarette, if you don't do it very carefully, you, turns out you stimulate more of a craving for the bigger hit.

So, this is a very double-edged sword. In theory it can be done. In practice it can be done, but it better be, the nicotine part better be very, very well-regulated. The other thing is you can put anything else you want in it. But, we're just talking about nicotine today. So, this thing that, oh, it helps you wean off; yea, in some cases when

correctly regulated. But, I think if you look, more kids are getting addicted to cigarettes cause of the bigger hit, starting with the e-cigarette.

COUNCILMEMBER VICTORINO: With the e-cigarettes. Thank you, Dr. Pang. And, I'm happy that you came and testified today.

Thank you, Chair.

DR. PANG: Thank you.

CHAIR WHITE: Thank you.

Members, any other need for clarification?

Thank you, Dr. Pang, for coming this morning.

DR. PANG: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Shanon *[sic]* Eakins testifying on Bill No. 60, to be followed by Shane Sinenci.

MS. SHARON EAKINS [testifying on Bill No. 60 (2015)]:

Aloha, Chair White--

CHAIR WHITE: Aloha.

MS. EAKINS: --and Councilmembers. My name is Sharon Eakins, and I'm speaking on Bill No. 60, amending Chapter 19.30A, Maui County Code of ordinance, relating to roadside stands and farmers markets in Agricultural Districts.

I've been an honored visitor of Maui for nine years now. I've chose rural zoned, my home in Kula, beautiful Upcountry Kula, for the beauty, climate, and rural/agricultural character. I have been blessed with great landlords, the Yoshimoto family. We are adjacent to agricultural land, and are a basically residential neighborhood.

I'm speaking neither for or against this bill, but rather presenting concerns as a resident of an area that has, has and will be affected even more when this bill becomes law. I'm also speaking in strong support for farmers and farming.

The Mayor and three of his agency directors: Finance Director Agsalog, Planning Director Spence, and DMV Director Vila, apparently decided to do a trial run on this bill over two years ago.

In August 2013, they licensed a commercial food truck, restaurant on wheels, to operate on an ag zoned County right of way, less than 50 feet from the windows and doors of my home. The food trailer owned by the lessee of a farm and farmer's market directly across the street from my home appeared without any prior notice. No Special Use, no Land Use permit was applied for or granted. Residents within 500 feet were not notified and this resident, less than 50 feet away, was given no warning of what was to come.

The food truck began operating on the actual farm property in August 2013, and operated with a loud generator on the ag land farm until 2013, October 2013, for two months. When they then moved to the right of way, where the Finance Director had licensed them to operate with a loud generator, until my landlords contacted the Health Department, Noise Control Division. They later hooked the food truck up with electricity. All surrounding neighbors are aware of these violations of Maui County Code of ordinance.

The food truck operates seven days a week, ten hours a day. Overnight, I lost my home as I knew it, replaced by noise, traffic, safety concerns, pollution, drug use, arrests, police activity, and loss of my privacy.

After months of making calls to all County agencies, getting no answers as to how this could have been legally placed there, I ended up talking to the Mayor's Office. Mike Molina set up a meeting on October 15.

May I please humbly ask for more time?

CHAIR WHITE: You have, you have one more minute.

MS. EAKINS: In the Mayor's Office with Finance Director Agsalog, Mr. Molina, and myself. In the meeting, Mr. Agsalog stated to me that as Finance Director, he can place a food truck on any County right of way on Maui, and there is no ordinance stating how close to a home it can or cannot be. He also asked me why I'm trying to take the livelihood of the food truck operators away from them.

During the meeting, I informed them both of the drug use happening on County property. Two weeks later, on November 3, four Maui Police, Maui Police

Department cars were on the County right of way, arresting one staff of the food truck and two customers, taking, confiscating pipes and drugs.

When I contacted Mr. Agsalog two days later, he again stated to report the arrest. He again stated, you're still trying to take the livelihood of the food truck operators away.

Mr. Agsalog had no choice but to hold a revocation hearing for the license of the truck. On 12-16, six weeks later, the food truck remained open until the hearing. I attended the hearing, and presented evidence of Maui County Code of ordinance violations that this food truck should never have been placed there without a Special Use/Land Use permit.

I also, simply ask--

CHAIR WHITE: Ms. Eakins.

MS. EAKINS: --that they relocate the food truck to a commercial business district.

CHAIR WHITE: Ms. Eakins, can you provide a concluding comment please. You've exhausted your four minutes.

MS. EAKINS: I'm not going to be able to finish so.

CHAIR WHITE: Well, I think, I think you've done a good job of, of providing us with--

MS. EAKINS: Well, unfortunately--

CHAIR WHITE: Yea, we have your written testimony.

MS. EAKINS: --nowhere near, okay.

CHAIR WHITE: Thank you very much.

Members, any need for clarification of Ms. Eakins testimony?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Yea, Ms. Eakins, sorry to hear about your, your frustration. And, it sounds like, in your testimony, there were some TRO hearings that you had with the food truck.

But, I just wanted to let you know that according to the ordinance that's before you, Bill 60, it doesn't deal with food trucks. And, it actually, in order to even have a, something similar to this, which would be a 300 square foot roadside stand, have to be, have a connection with the land. Which means that the ordinance says it has to have the, the food and products must be grown on the property, as well as the, the, the owner of the property is the one that owns the food stand, or I mean the road stand. So, this, this, this road, this food trucks business is not a part of the ordinance. So, just wanted--

MS. EAKINS: I, I under.

VICE-CHAIR GUZMAN: Thank you, Chair.

MS. EAKINS: May I respond or no? May I respond?

CHAIR WHITE: It wasn't really a question.

MS. EAKINS: Oh, okay.

CHAIR WHITE: Members, any other need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, and, thank you for being here. And, again, you know, I do hear your frustration, as Mr. Guzman mentioned. And, he stated the point that, what the road, the farm stands is somewhat different from this, but I get, I see the similarity. And, just to hopefully set her mind, your mind at ease that I am getting issues in regards to food trucks in my neighborhood of Honolulu right now.

So, I think I'll try to look into how can we assist with this type of situation that seems to be occurring in many parts of our County to address. So, just to allay, hopefully, your, your mind and give you peace that something will be in the makings, as we sit here and move forward.

MS. EAKINS: Mahalo.

COUNCILMEMBER COCHRAN: But, thank you for your time today. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any other need for clarification, Members? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier Shane Sinenci, to be followed by Don Atay.

MR. SHANE SINENCI [testifying on Bill No. 60 (2015)]:

Aloha and good morning, Chair and Councilmembers.

CHAIR WHITE: If you could move the, yea, move the mic up a little bit.

MR. SINENCI: Okay.

CHAIR WHITE: Thank you.

MR. SINENCI: So, I'm here from Hana, as a Hana resident, and I bring with me, I'm speaking also on the Bill No. 60 to allow commercial buildings on agriculture lands. I'd like to present the Council with about 200 signatures, asking that Hana be exempt from, from this bill.

COUNCILMEMBER COUCH: Mr. Chair, can we get his name please?

MR. SINENCI: Shane Sinenci.

CHAIR WHITE: Yea, he, he gave his name.

MR. SINENCI: So, some of the major concerns were that as, as a community, we've been working really hard at keeping our business, agriculture, all the zonings separate. So, with this bill, I think the community is very worried about allowing commercial retail and restaurants onto our, our agricultural zoned properties.

We're trying to keep all of our commercial and retail in our business core of Hana so that the entire community benefits from it, not just a few transient or tourists that are,

that are outside. And, of course, the danger of creating, you know, another jungle strip mall or, or more commercial outside of our town.

We're, we are working with the County with trying to get some, a certified kitchen so that some of our road stand, if they want to do food they may. We're also working with some other OHA and some community programs to, to create more of the commercial areas in, in town.

The area where we do have our agricultural zoning is major thoroughfare right into Hana. I mean it's also for our emergency services to our airport. There is no traffic control. There is no public facilities. There is no streetlights. So, the added traffic to these areas which has kind of exhaust, you know, some of the, just the increased traffic in these areas.

Another thing is that it's really close to some of our cultural and significant sights. So, we didn't want to infringe. It's not like we want to control where our, our visiting, our visitors go, but we do want them to, to kind of respect the areas. And, we want them to, to visit these areas but we don't want them to, to stop, linger. And, we want them to, you know, we're still working on our infrastructure in Hana, so we're asking that we be exempt from this bill. Thank you.

CHAIR WHITE: Thank you, Mr. Sinenci.

Members, any need for clarification--

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: --of his testimony?

COUNCILMEMBER VICTORINO: Yes.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Sinenci, for being here today, appreciate you coming in. I remember when we had our Committee meeting, there was a testifier or two, and I'm, I, I'm not sure the number, who came in and actually said the exact opposite that they shouldn't exempt Hana, and that they should, we should have asked them to participate more. And, I cannot recall who this young lady was, but she specifically said that she thought Hana shouldn't be exempt. So, why is the difference, and, and is that widespread or it's just a few people?

MR. SINENCI: Yes. We are asking, part of our, the amendment that you heard was that to keep it at 350 square-feet. We do not, we are allowing the, I mean, we can allow them to grow their own foods.

The, the danger of bringing in products and produce from other areas beside Hana, to bring those in, they could sell, you know, actually create a, a retail store there. We're not saying stop your, stop your selling your produce. We encourage that, and we want our farmers to do that. And, we want to support them by, by maybe creating a farmers market that are closer to town, and again, so that we all can benefit.

Right now, because they're outside of the town, a lot of it is just a, transient traffic and are tourist that stop, and not necessarily our kupuna or our community members access these places.

So, we encourage them to, they can still do, we're asking that we just keep it small. And, we just want to be responsible with the construction and with, you know, just their plans of, of doing this on, on ag lands.

I don't know what kind of regulations or the, the County has set forth in conjunction with this bill. A lot of these products are flown in from out of country and made to, made to look like they're, they're from Hawaii. So, I don't know who's going to regulate some of, some of the problems we've seen.

COUNCILMEMBER VICTORINO: Okay. Mahalo, Mr. Sinenci. I think Mr. Guzman has a, some questions for you. Thank you, Chair.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. And, thank you Mr. Sinenci for coming. This is public testimony, but I will bring it up your concerns--

COUNCILMEMBER COUCH: Mr. Chair.

COUNCILMEMBER VICTORINO: You gotta go closer to the mic. We cannot hear him.

COUNCILMEMBER COUCH: We can't hear, we can't hear him.

CHAIR WHITE: Get a little closer to your microphone.

COUNCILMEMBER CARROLL: That's the first time my voice was too soft.

COUNCILMEMBER VICTORINO: Now you know how you feel.

COUNCILMEMBER CARROLL: Thank you again for coming. And, when the item is heard, I will be bringing up yours and the community concerns. And, we also received another petition after the first reading, and we'll be bringing that up too. Thank you for coming.

MR. SINENCI: Thank you.

CHAIR WHITE: Okay. Any--

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Any further clarification?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Yea, thank you for coming and testifying. I, I'm a little bit confused because I get testimony or constituents from the other side of the issue. And, what, what really baffles me the most is when I went to Hana and I presented the issue. And, one of the bigger issues was you guys wanted more commercial kitchens in ag district areas. Now, if you want to be exempt from this ordinance and go with the amendment that you are proposing which basically says, 300 square-feet and no value-added products, that pretty much shuts down your commercial kitchens cause you won't be able to utilize those commercial kitchens.

The other issue was, all of those, I guess, retail structures that you're talking about alongside Hana Highway, are not grandfathered in. And, the way I look at it, if you match up the criteria of this ordinance to those that are existing, I think there's, they're not going to make the mustard, they won't be able to be in existence. So, there's a lot of checks and balances that are set forth in the ordinance.

So, I'm not, I'm kind of confused on where you guys all stand over there, because, you know, I, I get a 50-50 split. It's good for the, the, good for economic development but yet, you don't want other products from Maui because the ordinance basically limits products only from Maui. So, you don't want any other area from Lahaina or, or Central Maui to, to sell their jams and jellies, and banana bread in, in Hana?

If you were to keep the amendment as is, the way you want it, only produce grown on the property can be sold. No value added, don't put in flour, don't put in sugar, don't

even make banana breads over there, because the way you guys want it, it's purely fruits.

So, that's all I'm saying is that I think you really need to look at what is going to benefit Hana, and what is going to hurt Hana.

MR. SINENCI: Can I respond?

VICE-CHAIR GUZMAN: And that's up to you guys, you know.

MR. SINENCI: Okay. So, we've got a couple yearly festivals that we have. And, we always welcome those products then. The festivals are community driven. The festivals are organized. The festival benefit our non-profits in Hana. So, we always welcome those products into Hana. But, there, they're Central. They're, we're inviting the whole town. It's a whole festival thing. It's not something that's outside of the community.

And, sometimes, we, we still want to follow the protocols and procedures of a community that is, that is tightknit, that we want to control, not necessarily, but at least have a say of, of things that, of properties and of lands that we've, you know, we've lived on for, for generations.

I brought over 200 signatures asking for this exemption. We, we offered another 200 signatures at the first reading. So, I don't know where you, where you being split. We've, our community just, I don't know, we just, this is our, this is what we're asking and, I'm, I'm bringing it to the Council today.

CHAIR WHITE: Okay. Thank you, Mr. Sinenci.

I think, Ms. Crivello, I, I don't want to continue or debate on the issue.

COUNCILMEMBER CRIVELLO: I want, really a clarification from the testifier.

CHAIR WHITE: Please go ahead. Yea, go ahead.

COUNCILMEMBER CRIVELLO: I'm not about to lecture.

Am I to understand that, why you're requesting this exemption, is to try have everything centralized in like a farmer's market, instead of at different sites.

MR. SINENCI: Correct.

COUNCILMEMBER CRIVELLO: --on different roadsides or?

MR. SINENCI: Correct.

COUNCILMEMBER CRIVELLO: Okay.

MR. SINENCI: The community is working on, at the, the church, the nearby church. We have, so we want to include some of our farmers so that they can sell their produce there.

COUNCILMEMBER CRIVELLO: Okay.

MR. SINENCI: And, we're just, the fear of, of this bill allowing just for, without, I don't know if they need permits, special use permits to, to sell these things. But, the area, again, it's, it's very close to, you know, a heiau, our sacred sites. And, we're, we're kind of worried about where, where commercial happens in these areas.

COUNCILMEMBER CRIVELLO: Thank you, Shane.

MR. SINENCI: Thank you.

CHAIR WHITE: Members, any other clarification needed? Seeing none, thank you very much for being here, Mr. Sinenci.

MR. SINENCI: Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Don Atay. And following Mr. Atay, we will be returning to Molokai. And, Mr. Atay will be testifying on Bill No. 60.

MR. DON ATAY [testifying on Bill No. 60 (2015)]:

Aloha kakahiaka, Councilmembers.

CHAIR WHITE: Aloha.

MR. ATAY: Chair. My name is Don Atay. I am a resident of Hana, but also a lineal descendent of this area, going to the High Chief Pi'ilani. And, our concern, I'm here with Shane, I also represent the Hana Community Association. And our concern, to

answer your question, Mr. Guzman, is we have one agricultural park area. This is an area of Kealeku.

I've presented pictures to Mr. Bob Carroll. There's about seven businesses already, we see. I show pictures of what a fruit stand looks like, now we got a Pizza Hut coming up. We have a jewelry store along the area. Is that agricultural? I mean, when are we going to see McDonalds in Hana?

So, this is our concern. We want, we don't want urban sprawled businesses along our beautiful coastline and our beautiful highway, which is designated as a national millennium highway for the State of Hawaii.

We feel this bill allows people who own agricultural land to put any type of building businesses along this agricultural line. I don't want to see our area looking like North Shore of Oahu. Once, North Shore was very beautiful. You go today, once you get over the Pali, all the way to North Shore, it's all business. Where is the beauty?

So, this is our concern, to keep our ambiance of our place, the beauty of nature. This is one of the main attractions that you guys have put for Maui County. When they come to Maui, what, you think all they going to do is sailing, all the commercial stuff? No, they want to visit beauty. And that Hana Highway is part of that beauty. So, why you want to destroy it? You're trying to kill a golden goose.

We're trying to put all businesses in one area, like Shane said, so that all our area and our people can enjoy the businesses in one place; not to have businesses all and up and down our coastline. And, that's our concern.

So, `ekala mai ia`u if I've hurt or offended anybody by my words. But, I'm just speaking from my na`au, and I'm speaking for my people in Hana. So, thank you.

CHAIR WHITE: Thank you, Mr. Atay.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MR. ATAY: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Molokai Office, please introduce your next testifier.

MS. THOMPSON: The next person to testify is Julie Ann Lopez, who will be testifying on item 15-227.

MS. JULIE ANN LOPEZ (testifying on County Communication No. 15-227):

Good morning. My name is Julie Lopez, and I'm in support of CPAC, for the extension of 15-227 till October 30. Thank you very much.

CHAIR WHITE: Thank you, Ms. Lopez. I don't think that requires any clarification, Members. Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next person to testify is Palmer Naki, testifying on item 15-227.

MR. PALMER NAKI (testifying on County Communication No. 15-227):

Aloha, Council. My name is Palmer Naki and I am here to ask for the extension to be extended to October 30. And, we also, I'm also respectfully asking that when it's approved, some of these meetings can be held on the east side of Molokai. Thank you.

CHAIR WHITE: Thank you, Mr. Naki. Members, any need for clarification? Seeing none, thank you for being here this morning.

MR. NAKI: Mahalo.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next testifier is Sue Hollins, testifying on 15-227.

MS. SUE HOLLINS (testifying on County Communication No. 15-227):

Aloha. My name is Sue Hollins. I have lived on Molokai a little over six years. And, shortly after moving here, I attended a workshop where the instructor had come over

from Maui. She made the comment that coming to Molokai is like going to the country. I thought, wow, right. Although we are part of Maui County, our economy and lifestyle is very different from Maui.

I support having the time extended to October 30, so that modifications can be made to better suit our island. There have been proposals in the past from Sustainable Molokai and the `Aha Kiole, sorry, that had many positive aspects that could hopefully be incorporated into the community plan. Thank you.

CHAIR WHITE: Thank you very much, Ms. Hollins.

Members, any need for clarification?

Seeing none, Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next testifier is Ho`ala Davis, who will be testifying on item 15-227.

MS. HO`ALA DAVIS (testifying on County Communication No. 15-227):

Aloha and good morning. I speak before you as a community member and supporter of the proposed resolution for a time extension for the Molokai Community Plan.

I believe that the current draft is very close to completion; however, the final edits and reviews are the most crucial. With the weather setbacks, the appropriate number of meetings were held, however, proper time between back to back meetings did not, sorry, would not provide its review input from the community or edit from the previous meetings.

Our CPAC members have done a great job thus far, however, to finalize the community plan that best represents our island, the uniqueness and specialness of Molokai and her people, the direction that we want to move towards in the future, oh, and the direction we want to move towards in the future, sorry.

We have heard that budget restrictions may make an extension difficult. The time requested, again, would be to allow for time to process presented input from the community in between meetings, allowing for proper review. Mahalo for your consideration.

CHAIR WHITE: Thank you, Ms. Davis. Members, any need for clarification? Seeing none, appreciate your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next testifier is Greg Jenkins, testifying on item 15-227.

MR. GREG JENKINS (testifying on County Communication No. 15-227):

Aloha Chair White, Member Crivello, and Members of the County Council. My name is Greg Jenkins and I'm a resident of East Molokai, a Molokai CPAC member.

I support the extension until October 30, 2015. The intent behind my support for the time extension is to provide additional time for review of a final document by the community and the CPAC, and not just to make up for missed meetings. Also, it provides relief from our recent back to back to back meetings to deal with missed meetings.

I also support the County Council to consider in the future amending 2.80B.090C, concerning community plan CPAC period of time to conduct meetings be extended from 180 days to 360 days, or some other suitable time extension. This may solve similar issues with upcoming CPAC processes in the rest of the County.

Bad planning cannot be fixed with more bad planning. Because of how much planning assessment information is needed to make rational decisions for Molokai's future, especially concerning land use, we must ensure substitutive due process for our community to have input at all levels of the planning process. And, the first tool to accomplish that is adequate time.

Last, the Community Plan submitted by the Molokai CPAC to the Planning Commission in the near future must, and I repeat must, reflect comprehensive community input or this process fails. Thank you for your time.

CHAIR WHITE: Thank you very much, Mr. Jenkins. I think it's important to point out that the, once this is submitted, I, my understanding is that it then goes to the Molokai Planning Commission, which has another 180 days. So, the total review time amounts to the 360 that you're, you brought up earlier. Anyway, I really appreciate your being here this morning.

Members, any need for clarification?

MR. JENKINS: Can I make a response to your, your statement, Chair White.

CHAIR WHITE: Sure.

MR. JENKINS: I appreciate the, the comment. And, I guess my only intent with making that statement. I understand the time frame you're talking about with it being referred to the Molokai Planning Commission. But my intent was, Chair, was that because of how far behind we are in the assessment information that has, that impacts so many things to our community, that it's very difficult to get all the community input to make, to get that information to assess for us to make those rational decisions.

And, so when we turn that document over to the Molokai Planning Commission, we want to earn their respect. And, the number one way I think we can earn that is that when we submit that, our, our draft of that community plan to the Planning Commission which later goes to you guys, that they can look at us and know that that included comprehensive and adequate community input. And, versus them having to vet out issues that our CPAC didn't address.

CHAIR WHITE: Thank you very much for that perspective; appreciate it.

Members, any, any further requirement for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: Next testifier is Lori Buchanan who will be testifying on item 15-227.

MS. LORI BUCHANAN (testifying on County Communication No. 15-227):

Hui, aloha, Councilmembers. Lori Buchanan, member of the CPAC. First, I want to say that I love you guys, miss you all. County Clerk, love you, miss you. Thank you for allowing us to testify today.

I am in support of everything the previous testifier, Mr. Jenkins, had to say. And, I hope if the Council sees fit that you are going to extend the time period, that you also take into consideration the request by Palmer Naki to have at least one of those meetings in East Molokai.

I wanted to thank you all because we hardly get to see you folks in person. And, I look forward to the upcoming budget hearing. But, I wanted to thank you guys for always being supportive and patient to this community. I especially wanted to thank all of you for always supporting the three little words when Molokai has really a hard time bridging the gap on planning, and the words "Except on Molokai".

Thank you very much for continuing to supporting that in ordinances that don't necessarily pertain to our, our island all the time. We're taking the planning process seriously, and I just appreciate you folks considering what is before you today. Mahalo.

CHAIR WHITE: Thank you, Ms. Buchanan.

Members, any need for clarification? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Molokai, introduce your next testifier.

MS. THOMPSON: The Molokai Office has no one waiting to testify. Oh, wait, wait. Get one more? Okay, come, come.

This the last one. Next testifier is Nat Bacon who will be testifying on item 15-227.

MR. NAT BACON (testifying on County Communication No. 15-227):

Yes, this is Nat Bacon. I live out at Pukoo. And, I would like to see this extension to the process be made because too many people have a lot of things to say and haven't had the opportunity to really state it clearly. And, I think it's necessary to continue the process.

CHAIR WHITE: Thank you, Mr. Bacon. Members, any need for clarification? Seeing none, appreciate your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier in the chamber is Sonya Niess, Maui County Coordinator with the Coalition for a Tobacco-Free Hawaii.

SONYA NIESS, COALITION FOR A TOBACCO-FREE HAWAII (testifying on Committee Report 15-117):

Good morning, Chair--

CHAIR WHITE: Good morning.

MS. NIESS: --and Councilmembers. My name is Sonya Niess and I am with the Coalition for a Tobacco-Free Hawaii. I am here to express my support for smoke free bus stops.

As we heard Dr. Pang earlier, in the testifying today, it's a really important issue. It's there to help protect our community. A lot of the bus users are, come from all walks of life, but particularly families, elderly, and youth. And, we really want to help protect them while they're sitting there waiting for the buses to come.

There are studies that show that secondhand smoke levels in some outdoor settings are comparable to secondhand smoke levels and indoor settings, especially in areas where people congregate, such as the bus stop.

Tobacco use and secondhand smoke are still the leading causes of death and disease in the United States. It is still an issue that we have to face, even though it's been a long battle and we have made some pretty incredible grounds in terms of policy and legislation.

We also really support the inclusion of electronic smoking devices into the bill. We feel that's a really important piece. As we look to the future, we see a lot of youth, especially in Hawaii, are using electronic smoking devices, about double the national average. And, it's a real issue, especially as Mr., Dr. Pang noted the nicotine levels in there are quite addicting.

We see smoke free transit stops as a growing trend, both nationally and locally. Oahu passed a similar bill not too long ago, and implementation has, for the most part, been pretty smooth process. We hope to see that here. We look forward to working with State and County agencies and other organizations to implement this policy should it pass. And, I appreciate your time. Thank you.

CHAIR WHITE: Thank you very much, Ms. Niess. Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is William Spence, Planning Director, testifying on Committee Report 15-227, on behalf of the Planning Department, to be followed by Eve Hogan.

MR. WILLIAM SPENCE, PLANNING DIRECTOR (testifying on County Communication No. 15-227):

Good morning, Councilmembers.

CHAIR WHITE: Good morning.

PLANNING DIRECTOR: My name is William, William Spence. I'm the Planning Director for Maui County. I appreciate, and I'm testifying on 5-227 [sic]. Thank you, Council, for taking this up at, at such a short notice.

The, what we proposed to you, or sent to you on August 27, was two resolutions regarding the, the extension of time for the Molokai CPAC to complete their work. The first resolution is for, to end at, for them to complete their work by, by the end of October. They, this was their formal request, and they took a vote on this. They said they needed four more meetings, and to end at the end of October.

We did miss some meetings due to Hurricanes Guillermo and Hilda. And, as the testifier said, we did err on the side of caution and safety, and therefore, cancelled these meetings. We also made them up, two of the meetings last week.

I also prepared another resolution for the Council's consideration. I know that the, this is for convenience of the Council. I know that you, the full Council doesn't like to debate these things on the floor. So, this was, you know, like a menu of choices if you would like.

And, if you, if the Council so decided that two months additional time was, was too much, I thought that an additional 30 days till the end of September, that would be, certainly sufficient for staff. But, and, and certainly you have heard this morning the members of the community's preference.

So, I am available for questions. And, that pretty much concludes my testimony.

CHAIR WHITE: Thank you, Mr. Spence.

Members, any need for clarification?

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, thank you very much, Mr. Spence, for being here this morning, and thank you for the menu of option. It kind of crystalizes it for me.

But, one of the testifiers mentioned, when we were communicating with Molokai, that there might be some budgetary concerns. Could you, could you address that?

PLANNING DIRECTOR: Yes. Well, we're, you know, Council is aware of some things in our budget have changed since last year. So, we have been very conscious of the number of trips that we've been taking over there. We've had meetings back to back, like we'll fly over on a Wednesday morning, have a Wednesday evening meeting and a Thursday evening meeting, rather than flying back and forth, back and forth, taking advantage of that time and thereby trying to consolidate travel expenses etc.

We're also conscious because these are evening meetings. We are paying overtime. And, that runs through approved budgets very quickly.

COUNCILMEMBER BAISA: Thank you very much. I just wondered if that was something that we should really be worried about it. But, it sounds like something you can handle if we go till the end of October.

PLANNING DIRECTOR: That's certainly, it's certainly a consideration that we, if we have to amend our budget, you will, we will be glad to come and see you.

COUNCILMEMBER BAISA: I'm sure you will. Thank you very much.

CHAIR WHITE: Members, any other need for clarification? Seeing none, thank you for being here this morning, Mr. Spence.

PLANNING DIRECTOR: Thank you, Chairman. Thank you, Members.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Eve Hogan testifying on Bill No. 60, to be followed by Kellie Pali-Cruz.

(Councilmember Cochran was excused from the meeting at 10:15 a.m.)

MS. EVE HOGAN [testifying on Bill 60 (2015)]:

Aloha, Council and Chair. My name is Eve Hogan. I'm a member of the Ag Working Group, and the owner of the Sacred Garden on Maui. Good morning.

When I was a school teacher, I taught summer school for a gifted and talented class of sixth graders. And, one of the themes for that particular summer school was future communities. And, so I assigned the kids the task of creating their own future community. And on one of the very specific assignments was to make sure that a food source was included. So, you can imagine my dismay as my brilliant class of students all made sure that there was a Safeway, and a Costco, and a Walmart in their city to get food.

And, I raised this point for obvious reasons. It's not only will this bill, Bill 60, help support and keep farmers in business, but having small farm stands on actual farms where our children and our legislators are able to see where agriculture actually comes from will support a healthier community.

Now, I know that at this point that's not even the issue. It's what happens in Hana. And, I, my heart goes out to you on this. I empathize with Sharon's testimony, but I want to separate the issue of a food truck which was not what this bill is about, and drug deals which is also not what this bill is about. My farm was a drug haven before I bought it. And, our putting a commercial ag venture on it has completely cleaned up the neighborhood.

And, the noise from tractors and the smell from pigs, which she would have encountered if that food truck wasn't there might have also disturbed her live, or her, her residential area. So, ag and residential is a challenge no matter what.

I just want to also say that the Ag Working Group is a group of volunteer farmers who have spent several years on this bill. We've gone over it, in it, out of it, over it again, through and through, and in nowhere, in no way does this bill support a McDonald's or a food, you know, a Long's Drugs, or any kind of commercial venture other than specifically a very small agricultural Maui County and property agricultural product stand to support the farmers in the community.

So, I empathize with your difficulty here. I don't want to see the road to Hana turn into a strip mall either. But, I don't think if anybody takes the time to truly read this bill, that that's what it permits.

So, thank you for your consideration, your time, and your very difficult job. Thank you.

CHAIR WHITE: Thank you, Ms. Hogan.

Members, any need for clarification? Seeing none, thanks for being here this morning.

MS. HOGAN: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier Kellie Pali-Cruz testifying on Committee Report 15-123, on behalf of GO Maui Inc.

(Councilmember Crivello was excused from the meeting at 10:18 a.m.)

MS. KELLIE PALI-CRUZ (testifying on Committee Report 15-123):

Good morning.

CHAIR WHITE: Good morning.

MS. PALI-CRUZ: Good morning, Mr. Chair and Members of the Council. My name is Kellie Pali-Cruz. I am a business owner and a member of the Board of Directors at GO Maui. GO Maui is a non, non-partisan, non-profit organization focusing on housing, jobs, water, agricultural, economic opportunity, and infrastructure needed to sustain a strong economy, better paying jobs, and a vibrant housing market.

I'm testifying today on behalf of GO Maui, on the agenda item 15-123. And, we are in support of the County, of the Council action to refer the housing legislation introduced by Councilmember Robert Carroll, to the various Maui County Planning Commissions.

This referral will give the community the opportunity to review and to comment on the legislation, and also the opportunity to convey to our policymakers the ever growing crisis and the need for affordable workforce housing.

We believe the intent of this proposed bill is to generate affordable housing within residential districts, provide incentive to create additional affordable housing, relax land use and zoning standards to provide affordable housing, and to make it easier

for families to keep their family homes. Specifically, the legislation will reduce the lot size requirement from 7,500 square feet to 5,000 square feet to build an ohana for affordable housing purposes.

In closing, on behalf of GO Maui, I'd like to thank the Council for continuing to wrestle with this issue of affordable housing, and for not giving up when you know that there's so many people in need. Thank you.

CHAIR WHITE: Thank you, Ms. Pali-Cruz. Members, any need for clarification? Seeing none, appreciate your being here this morning.

MS. PALI-CRUZ: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next testifier is Tasha Kama testifying on Committee Report 15-123, on behalf of FACE Maui.

(Vice-Chair Guzman was excused from the meeting at 10:20 a.m.)

MS. TASHA KAMA (testifying on Committee Report 15-123):

Good morning, Councilmembers.

CHAIR WHITE: Good morning.

MS. KAMA: It's always nice to be in this house. I feel very warm, very safe, and very protected here, and it's only because of all of you.

Today, I'd like to be able to testify on behalf of FACE Maui regarding, recommending the adoption of a resolution referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill establishing a new use category called affordable accessory dwelling, to be allowed in residential districts as a permitted use on lots of 5,000 to 7,499 square feet.

The Housing Committee of FACE Maui, in which Deacon Stan Franco is the Chair, sees this measure as increasing the affordable rental housing inventory of Maui County.

(Councilmember Crivello returned to the meeting at 10:22 a.m.)

MS. KAMA: Yesterday, I sat in these chambers as we, you talked about housing and, and how much there isn't, and how much there is a need. And, yet, to have this, this measure before us, I think, is very timely. But, also that FACE does appreciate the Council's wisdom in including these people of Maui to be able to help in providing this much needed rentals as part of helping in our community through the passage of this measure.

So, I think it's a great opportunity. I mean, can you imagine if you have, like just for example, I don't know how many people own their homes on, on lots between 4,000 and 8,000 square feet, but can you imagine we just took a number out of the air. Let's say a thousand people owned, and they all wanted to be able to put an accessory dwelling. You've just got a thousand more rental units.

So, I wanted to be able to just bring attention to the Maui County Code, Chapter 19.35.110, where it talks about affordable housing accessory dwellings. And, it says that, that it's going to be built to accommodate immediate family members related to the applicant by blood, adoption, or marriage, including the spouse, the children, siblings, etc. And, one of the things here in Hawaii that, I think, when we want to follow about things is that we seem to put issues on one side and the culture on the other when we, and we should be able to learn how to weave those things together.

And, this is what I was going to talk about in this particular chapter and verse, if you'd like, is that the issue of hanai children, we still do that today, and we still need to recognize that. And, one of the things would be helpful is if we could recognize it in this particular chapter. Thank you.

CHAIR WHITE: Thank you very much, Reverend Kama.

Members, any need for clarification?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, thank you, Ms. Kama, for being here. And, thank you for bringing that up. And, I know people don't get a chance to really read the committee reports, but that is one of the things that we've asked the planning, all of the three planning commissions to discuss, is the hanai and how to make sure that that fit, fits in. So, thank you for bringing that up.

(Vice-Chair Guzman and Councilmember Cochran returned to the meeting at 10:24 a.m.)

(Councilmember Baisa was excused from the meeting at 10:24 a.m.)

MS. KAMA: Thank you. I appreciate that. Okay, thank you for your time.

CHAIR WHITE: Members, any other need for clarification? Seeing none, thank you for being here this morning.

MS. KAMA: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there's any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. ZULUETA: Kit from Hana. There are no testifiers in the office.

COUNTY CLERK: Lanai Office, are there any other additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. THOMPSON: The Molokai Office has no one waiting to testify.

COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Have we received written testimony?

COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Thank you.

Members, without objection, the Chair will order the written testimony to be added to the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Keri Zacher;
2. State of Hawaii, Department of Health;
3. Sharon Eakins;
4. Shane Sinenci;
5. Don Atay;
6. Sonya Neiss, Coalition for a Tobacco-Free Hawaii;
7. Bill Greenleaf, Greenleaf Farm;
8. Martha and Rob Lind, Olinda Organic Farm;
9. Serenity Chambers;
10. Anna Mayeda;
11. Senator Mike Gabbard;
12. Martin Vasey, Hana Farms;
13. Representative Cynthia Thielen;
14. Sylvia Cenzano;
15. Joy Nelson;
16. Stacy Vosberg;
17. Phyllis Robinson, Hawaii Farmers Union United;
18. Susan Douglas;
19. Helga Fiederer;
20. Chris Kinsel;
21. Raphiell Nolin;
22. Tamara Paltin;
23. Earl Bialeck;
24. Theresa Cordi;
25. Ana Grodan;
26. Timothy Sean Payne Hills;
27. William Jacintho, Maui Cattlemen's Association;
28. Martha, Lars and Jeff Lind;
29. Sydney Smith;
30. Alicia Sullivan;
31. Dorothy Branch;
32. Michael Dawson;
33. Julie Evans;

34. Paul Fenelon;
35. Michael Gagne;
36. Judy Jarvie;
37. Chandrika McLaughlin;
38. Chris Mentzel;
39. Raymond Slayton;
40. Roxana Smith;
41. Helen Barrow;
42. Zachary Franks;
43. Denise Key, Industrial Hemp Hawaii;
44. Logan Yonavjak;
45. Kelly King, Pacific Biodiesel; and
46. Jim Smith.

CHAIR WHITE: And, without objections, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

And Members, we'll take this opportunity to take our morning break. So, please be back in your seats at, at 10:40. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:25 A.M., AND WAS RECONVENED AT 10:38 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting of the County Council will come back to order.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of July 7, 2015, and July 24, 2015, were presented at this time.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Thank you, Chair.

I MOVE TO APPROVE THE REGULAR MINUTES FOR
MEETING OF JULY 7, 2015, AND REGULAR MEETING OF
JULY 24, 2015.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion on the minutes, Members?

Ms. Baisa.

COUNCILMEMBER BAISA: No.

CHAIR WHITE: Oh, I'm sorry.

Okay, being no further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 15-114 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-107, entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK," be ADOPTED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE OF THE WHOLE REPORT NO. 15-114.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Mr. Guzman and seconded by Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On August 7, 2015, and August 25, 2015, your Committee met to consider a proposed resolution to authorize the Department of Corporation Counsel to settle Hawaii Wildlife Fund et al. v. County of Maui, Civil No. 12-00198 SOM BMK.

Your Committee notes that the First Amended Complaint in the case alleges violations under the Federal Water Pollution Control Act, also known as the Clean Water Act, and other laws, arising out of the County's operation of the injection wells at the Lahaina Wastewater Reclamation Facility.

Your Committee also further notes that the Council previously authorized settlement of this case by Resolution 15-75.

A Deputy Corporation Counsel noted that the trial is currently scheduled for November 2015, but will be removed from the Court calendar if the parties are able to reach a settlement.

Following an executive meeting on the matter, your Committee voted 9-0 to recommend adoption of the proposed settlement resolution. I ask the Council for the support of your Committee's recommendations. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Member, measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-115 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 15-108, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A BATTING CAGE TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-213, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-115.

COUNCILMEMBER COCHRAN:

AND CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on August 18, 2015, to consider a proposed resolution to accept from the Shane Victorino Foundation a baseball batting cage and related improvements to, for the Kalama Park in Kihei, Maui, Hawaii, valued at \$90,000.

Your Committee notes Chapter 3.56, Maui County Code, requires for acceptance of any gift or donation the Council's approval by resolution.

The donation consists of a structure for batting practice, with two hitting areas, and a 3,040-square-foot concrete slab, including chain-link fencing and a metal roof. An attached bullpen will also be available for pitching practice.

The batting cage will be open to the public, and maintained by the Kihei Little League. The Department will maintain the property outside of the batting cage.

The Project Manager further stated that the batting cage is, is scheduled for opening in November 20, 2015.

Your Committee thanks Shane Victorino Foundation for its generous donation, and recommended, and recommends the adoption of this resolution, and the filing of this communication. I respectfully ask the Council's full support of this Committee's recommendations. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. On behalf of the community members in Kihei, and the rest of Maui who all play, the ones that play baseball anyway, I want to thank the Shane Victorino Foundation for providing us that batting cage. It'll be a well, a very welcome addition to Kalama Park. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, yeah. Thank you. And yes, thanks for the generous offer to that community. And, I just, I know we accepted, like, some ATV's also were donated. I mean, I don't know how Mr. Couch does it in South Maui, but he sure gets a lot of donations. And, so, but I appreciate all the donors, and their generosity to this community. And, I need to figure out how Mr. Couch does it for South Maui. Thank you, Chair.

CHAIR WHITE: Thank you.

See, seeing no further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-108.

COMMITTEE REPORT

NO. 15-116 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE:

Recommending that Resolution 15-109, entitled "URGING CONGRESS TO PASS
THE INDUSTRIAL HEMP FARMING ACT OF 2015," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-116, AND ANY, AND TO ALLOW
ANY NONSUBSTANTIVE CHANGES.

COUNCILMEMBER COCHRAN:

AND, MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on August 18, 2015, to
consider a proposed resolution to urge the United States Congress to pass the
"Industrial Hemp Farming Act of 2015". The Act would amend the Controlled
Substance Act to exclude industrial hemp from its lists of controlled substances,
thereby allowing its cultivation if approved by State law.

Your Committee noted commercial cultivation of industrial hemp would increase the
range of agricultural products.

Your Committee also noted industrial hemp can be mixed with other products to be
used as building insulation that would satisfy County Code requirements.

Your Committee recommends adoption of the revised proposed resolution
incorporating nonsubstantive revisions.

I respectfully ask for the Council's support of the Committee's recommendations.
Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion on the measure, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-109.

COMMITTEE REPORT

NO. 15-117 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Bill 61 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20, MAUI COUNTY CODE, RELATING TO PROHIBITING SMOKING AT COUNTY BUS STOPS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-205, from Presiding Officer Pro Tempore Michael P. Victorino, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN HOUSING,
HUMAN SERVICES, AND TRANSPORTATION COMMITTEE
REPORT 15-117.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from, from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Council's Human, Housing, Human Services, and Transportation Committee met on August 20, 2015, to consider a proposed bill transmitted by Presiding Officer Pro Tem Michael P. Victorino, to prohibit smoking at County bus stops.

Your Committee notes the proposed prohibition would apply to any County bus stop established pursuant to Chapter 11.07, Maui County Code. The prohibition would encompass an area extending out from the bus stop sign and the footprint of the bus shelter in every direction by 20 feet.

Your Committee discussed adding electronic smoking devices, such as devices commonly known as "e-cigarettes", to the prohibition. A Deputy Corporation Counsel said the State had recently passed legislation, Act 19 (2015), relating to the regulation of tobacco products. The State Legislature added new definitions in Section 328J-1, HRS, for "electronic smoking device" and "tobacco product". The State Legislature also amended the definition of "smoke" or "smoking" by broadening it to mean "inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form", and to include the use of an electronic smoking device. Act 19 (2015) takes effect January 1, 2016.

Your Committee felt it appropriate to add these definitions in the proposed bill and to expand the prohibition at bus stops to include the broader definition of "smoking" soon to be used by the State, which would include the use of an electronic smoking device. Your Committee revised the bill accordingly.

Your Committee stressed the importance of protecting the health of bus riders, who should be able to wait for the bus without exposure to second-hand smoke.

On August 28, 2015, your Committee received correspondence dated August 27, from the Director of Transportation, responding to a question posed by your Committee relating to the use of the Hawaii Tobacco Prevention and Control Trust

Fund. I have provided copies of the correspondence to the County Clerk, and have asked that it be distributed at today's meeting. You should all have a copy.

The Director states the Department has secured \$2,000 toward the purchase of bus stop signage related to the smoking prohibition. I'd like to thank the Director for her response.

I ask at this time, Chair, for the Council's full support of the motion on the floor.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 61 (2015).

COMMITTEE REPORT

NO. 15-118 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-110, entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT KAUPILI ROAD, LANAI, HAWAII," be ADOPTED; and
2. That County Communication 15-47, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 15-118.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Infrastructure, Environmental Management Committee met on June 29, 2015, to consider a proposed resolution authorizing the exchange of County property with private property for the purpose of correcting an ownership issue affecting Kaupili Road on Lanai.

Your Committee notes pursuant to Section 3.44.060(A), Maui County Code, the Council may authorize exchanges of real property by resolution, approved by two-thirds of its members, if it finds the exchange to be in the public interest.

The Director of Public Works informed your Committee the physical location of Kaupili Road is inconsistent with the road's legal description as recorded in the State Land Court. Executing the proposed exchange will provide the County ownership of the property upon which Kaupili Road is actually situated.

Your Committee notes, pursuant to Section 3.44.070(A), MCC, an appraisal is required for any sale or disposition of real property in fee simple, unless waiver of the appraisal is authorized by Council resolution.

So, the Department of Public Works requests waiver of the required appraisal because the properties being exchanged are of equal value, and because the cost to appraise all the properties could potentially exceed the value of the properties.

Lastly, your Committee notes, pursuant to Section 3.44.060(B), MCC, public notice of any proposed exchange shall be published in each of three successive weeks in a newspaper of general circulation in the County. Public notice of the exchange was published in the *Maui News* on July 21, July 28, and August 4, 2015.

So, your Committee supported the proposed exchange because it will correct the ownership status of the land associated with Kaupili Road, and ensure public use of the roadway is maintained.

So, I therefore, respectfully ask for this Council's support of the resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further comment, discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak in support of the motion before the Members this morning. I want to thank Chair Cochran for her shepherding this request through the Committee.

I, my comments is more about my longstanding frustration with how things are done on Lanai. It seems that many entities, even the utility, use Lanai as somewhere that it doesn't need to follow, I will say, established, recognize legal processes. This road has been there way before the State, Pre-Territory days, Kaupili Road, Plantation called it 1388.

It disturbs me that it's always after the fact, Chair, to do the corrections. Now, whether this was prior, part of the old Castle & Cooke Corporation, and then again, with State of Hawaii Airports making their big improvements. Just surprises me that it always seem that the County gets it in the shorts, after the fact, with the corrections. Why aren't we part of the initial process to make sure it's done appropriately, and then we can make the appropriate adjustments?

It's after the fact, for me, it goes for Lanai is not good enough, Chairman. I'm tired of it. I'm going to keep bringing it up. And, for those that want to do business on Lanai, I would say beware cause I have no problem ensuring the full force and effect of law regarding penalties and punishments, and whatever else the Council deems appropriate up for those type of violations. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-110.

COMMITTEE REPORT

NO. 15-119 - LAND USE COMMITTEE:

Recommending that Resolution 15-111, entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII," be ADOPTED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-119.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on August 19, 2015, to consider the proposed resolution as read by the Clerk.

Your Committee notice, notes the Interim zoning district was created in 1958 for the "purpose of providing interim regulations pending the formal adoption of a comprehensive zoning ordinance and map". The County has long had an ongoing project to eliminate Interim zoning, which hinders the ability of landowners to subdivide their property.

The Deputy of Planning Director informed your Committee the Planning Director supports appropriate entitlements for the subject property.

Your Committee voted 6-0 to recommend adoption of the proposed resolution, to refer the proposed bill, to change the zoning for the property from Interim District to Agricultural District.

I ask the Council's full support of your Committee's recommendation.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, I want to thank Mr. Carroll, Planning Department, through trying to track this request.

You know, as we're going through our community plan, Interim zoning or Interim District is, is costly for our Molokai residents when they need to do something with their, their land use. So, I, I appreciate the support of Council to allow adoption of this resolution to be referred to the Molokai Planning Commission.

CHAIR WHITE: Thank you, Ms. Cochran.

COUNCILMEMBER CRIVELLO: No, it's Crivello.

COUNCILMEMBER COCHRAN: Ms. Crivello.

CHAIR WHITE: I mean, Crivello. Thank you.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-111.

COMMITTEE REPORT
NO. 15-120 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 62 (2015), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII, THE SITE OF THE MAHINA SURF CONDOMINIUM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-108, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-120.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on August 19, 2015, to consider the proposed bill as read by the Clerk.

Your Committee noticed, notes the condominium project known as the Mahina Surf consists of 56 units in three 2-story buildings. The project was approved for construction in the Residential District in 1968. No development, construction, or change of use is being proposed.

The Deputy Planning Director said the Department supports the request, and noted it will not increase any impacts on the site and will appropriately align the land use designations.

Your Committee voted 6-0 to recommend passage of the proposed bill on first reading, and filing of the communication.

I ask for the Council's support on your Committee's recommendation.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I apologize, but at the time, I was not here for this, the discussion in Committee. Chair Carroll, I was off-island, but do know of the property. And, so, I, I read the notes in regards to what you folks had discussed at the meeting, and see no issue.

And, it's, I guess, coming into compliance with what the actual usage has been since 1968. And, and they don't propose any further expansion, development of any kind. It is tight quarters in that area as it is with the building existing. So, I'm in favor, and I'm looking forward to the passage. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL 62 (2015).

COMMITTEE REPORT

NO. 15-121 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 63 (2015), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 64 (2015), entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT," be PASSED ON FIRST READING and be ORDERED TO PRINT;

3. That Bill 65 (2015), entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 109 EAST WAIKO ROAD, WAILUKU, MAUI, HAWAII, FOR THE PROPOSED WAIKAPU LIGHT INDUSTRIAL PROJECT," be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That the County Clerk RECORD the unilateral agreement; and
5. That County Communication 15-78, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Your Committee met on August 19, 2015, to consider the proposed bills as read by the Clerk.

Your Committee notes the subject property was formerly used for sand mining and a scrap metal recovery facility. And has gone, undergone extensive site restoration and activities in preparation for the proposed light industrial uses. The Planning Department notes in the Waiko Industrial Subdivision property is adjacent to the subject property.

CHAIR WHITE: Mr. Carroll. We, I'm sorry, but we need a motion first.

COUNCILMEMBER CARROLL: Oh. Today's the day for this, I see.

CHAIR WHITE: That's right.

COUNCILMEMBER CARROLL:

MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE
COMMITTEE REPORT 15-121.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Carroll and a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Beginning again. Your Committee met on August 19, 2015, to consider the proposed bills as read by the Clerk.

Your Committee notes the subject property was formerly used for sand mining and a scrap metal recovery facility. And has undergone extensive site restoration activities in preparation for the proposed light industrial uses.

The Planning Committee notes the Waiko Industrial Subdivision property is adjacent to the subject property, with the established Fong Construction Baseyard alongside of it.

In evaluating the proposed project, your Committee noted concerns over the retail uses generated increasing traffic impacts on East Waiko Road, and potential hazards because of the angle of the road in the vicinity of the subject property.

To preserve the subject property's viability to address the shortage of affordable warehouse and traditional light-industrial space, and to mitigate traffic impacts, your Committee recommended a condition of zoning be incorporated to restrict the area within which B-1, B-2, or B-3 business district uses would be allowed to no more than 2.8 acres fronting East Waiko Road. The condition prohibits apartment houses on the entire parcel. At the owner's request, your Committee retained the ability to locate dwelling units above or below the first floor of a permitted use throughout the subject property.

Your Committee voted 6-0 to recommend passage of the proposed District Boundary Amendment and Community Plan Amendment bills on first reading, passage of the revised proposed Change in Zoning bill on first reading, and the filing of the communication.

I ask for the Council's support on your Committee's recommendation.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, I would like to thank the owners and as well as the consultants, because they have brought forth the plan of how

much retail space would be available based upon the condition. And, I was very satisfied with that. I believe that it's fair and equitable.

And, I will, I'll also want to thank them for the extensive cleanup because that area, as you well know, was used as a scrap metal. And, there was a lot of cleanup that had to be done. And, they did, not only a yeoman's job, but really up and beyond the call of duty as far as getting it cleaned. So, it's now a very useable parcel in this industrial area, and I'm very thankful for that. So, I hope my Members will consider passage of this bill. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, this is another item I had missed the opportunity, taking care of family matters.

But, I want to thank Ms. Cheryl Okuma for bringing me up to speed yesterday, to just run me through the PowerPoint presentation you folks had received while I was away, and shed a lot of light on this project, and the, the, all the different lots and how they're utilized, and things of that nature.

So, I'm in favor of this moving forward. It's already turning, it is industrial, so it's in conformance with existing uses in the area. So, I don't foresee a huge impact in that aspect. So, and again, yes, I saw the before and after photos of the cleanup. And, wow, they did a tremendous job, so hats off to the company, and also to the consultants. So, thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the motion before the Council this morning, with some reservations. I truly hope the Committee's approach to traffic mitigation works, cause usually we have very specific conditions of zoning to make sure that the traffic is addressed appropriately. So, I would just say, again, I hope this approach works very well. I use that road a lot, and I know what is the, the

work that has been done has made a big difference in the aesthetics of the Waiko area.

I will say though, I am, well, I wish, it should be no surprise to my colleagues that I have issues with property regimes. And, so, I would highly recommend that the applicant go and consider taking care of some of the lots and go through subdivision process, cause I have a major heartburn for property regimes. And, I'm going to be watching whether or not this issue I bring up is going to be addressed in the future. Thank you, Chairman.

CHAIR WHITE: I would agree with some of your concerns. But, at the same time, I think maybe we need to take a look at the requirements of our subdivision process rather than, because we're, in some respects, we're driving people to do condominium--

COUNCILMEMBER HOKAMA: I hear you loud and clear, Chair. And, I'm with you on that.

CHAIR WHITE: So, any further discussion, Members?

I would agree, there's been a significant amount of, of work done on cleaning up the, the site. And, that type of work is not done without a huge investment on the, on behalf of the owners. So, I think what has been requested is fair and equitable, and I think we're all seemingly quite comfortable with, with the presentation, as, as Mr. Victorino had brought up as well.

So, any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NOS. 63, 64, 65 (2015), respectively.

COMMITTEE REPORT

NO. 15-122 - PLANNING COMMITTEE:

Recommending that County Communication 15-153, from Councilmember Don Couch, transmitting the matter relating to Chapter 4 of the Maui Island Plan, "Economic Development," regarding tourism, be REFERRED to the Economic Development, Energy, Agriculture, and Recreation Committee.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-122.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on, on August 20, 2015, to discuss an Implementing Action in the Maui Island Plan, relating to "Tourism".

The plan requires that a yearly performance report that describes the return resulting from expenditures of public funds or grants that are awarded for the visitor industry.

Your Committee noted that no reports have been submitted since December 2012, when the plan was adopted, and expressed an interest in evaluating the public expenditures for the visitor industry.

Your Committee noted that under the Council's rule for standing committees, the Economic Development, Energy, Agriculture, and Recreation Committee (EAR), is the more appropriate committee to consider the operation of the Office at Economic Development and the oversight of tourist, tourism grants.

Your Committee recommended that the County Communication 15-153 be referred to the EAR Committee.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COMMITTEE REPORT
NO. 15-123 - PLANNING COMMITTEE:

Recommending that Resolution 15-112, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE TO PERMIT AFFORDABLE ACCESSORY DWELLINGS IN RESIDENTIAL DISTRICTS," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 15-123.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second by Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on August 6, 2015, to consider a proposed resolution to refer to the planning commissions a proposed bill relating to "affordable accessory dwellings".

The purpose of the proposed bill is to establish standards for a new use category called "affordable accessory dwellings", which would be allowed in residential districts of, on lots of 5,000 to 7,499 square feet.

The proposed bill is intended to provide for affordable housing for immediate family members or renters with "very low" to "above-moderate" income levels.

Your Committee recommended adoption of the proposed resolution. I ask for the Members full support.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate Mr. Couch's effort to move this forward. Since I don't have a ability to vote on this Committee, I'll state my reservations at this time, Chairman.

While I think it's good we allow the commissions to have discussion in our various regions, I would hope that the departments would participate because I think there's couple of things that needs to be just besides talking about accessory housing dwelling unit.

I think we should also have Finance chime in and give a assessment on the real property taxation component. So, if your primary house is already receiving the homeowner's exemption, how do we approach it? Does the lot only get one exemption or we're going to allow multiple units on one lot to have multiple exemptions? I think we need to have a sense of how we want to approach that.

We already have issues, and I think the Department needs to be clear on regions of the County that this kind of proposed legislation makes sense, Chairman. You look around the existing subdivisions. We got people already parking in front of stop signs to take care, so they don't have, cause they have no room to park on their own block. So, they're already impacting on-street parking the way it is.

I can tell you now, I know more than half of our fire equipment cannot go through many streets because of the on-street parking situation, to respond to emergencies. So, it's just more than looking at the housing unit, it's also looking at how it impacts everything else, while we're looking at adding density to try and address this crisis, this major issue.

But, I hope by addressing this, we don't create additional major issues because we never thought about those impacts that deal with the housing issue, Chairman. Thank you.

CHAIR WHITE: Thank you.

Members, Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I'd also like to thank Chair Couch and his Committee for bringing this forward. I really look forward to having the input from the public from the Lanai, Molokai, and Maui Planning Commissions. And, I think this is a good effort and a great possibility to help with our housing problem. Thank you.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, thank you, Members for your comments. And, just to let the Members, remind the Members that we did, the Committee did have a lot of reservations; quite a few that Mr. Hokama expressed.

And, we ask that the planning commissions be thorough in their discussions of those. And, I, certainly if it does come back to the Planning Committee, we will have those folks that Mr. Hokama has requested, because those were a lot of concerns discussed in the, in the meeting. So, we're there, we're, we're on it.

CHAIR WHITE: Any further discussion, Members?

The Chair will just add that I think some of the concerns regarding congestion, further congestion being caused by these accessory dwellings are, are very valid. And, it may be helpful if the Planning Department, in their reviews with the various commissions, brings up the, the thought of street width. You know, it may be that we have to restrict it on certain streets that have, that don't have adequate width to accommodate on-street parking and emergency vehicles at the same time.

Any further discussion?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, I, and I agree with all that's been said. And, if you look at Wailuku, there's a number of streets already, for which we've taken action prohibiting parking on either one side or the other. And, some streets, no parking at all. And, I think this is how all the consideration that will come up once we get it back from the planning commission.

But, I also think that I agree with Mr. Carroll that this may be a mechanism for which families can adapt to their children having some kind of, some kind of dwelling to live in, you know; whether it's a rental and or for family purposes, I'm all for this.

But, I agree with you, we've got to make some adjustments as far as on-street parking. And, maybe in this case, we're going to have to say no on-street parking will be allowed if that is added, especially with our smaller lots and in the older districts like Wailuku, or the neighborhoods that, that existed for the last 50 to 75 years, and was never built for what is now accommodating. Thank you, Chair.

CHAIR WHITE: Right.

Thank you, Members. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-112.

COMMITTEE REPORT
NO. 15-124 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill 66 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE MAUI ISLAND PLAN IMPLEMENTATION PROGRAM," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-79, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-124.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on August 6, 2015, to consider a proposed bill to amend the Maui Island Long-Range Implementation Program by identifying potential revenue sources to support infrastructure improvements.

The Maui Planning Commission has reviewed the proposed bill and recommended it be passed.

The bill identifies non-General Fund revenue sources County departments could access for implementing capital improvements consistent with the Maui Island Plan. Your Committee noted that establishment of some of the revenue sources would require separate State or County legislation.

Your Committee recommended passage of the proposed bill on first reading and filing of the communication.

And, this is, you know, the final implement, final thing that needs to make the Maui Island Plan finished. It's a little table that was added to that chapter to identify some of the potential sources. So, really appreciate the Members support on this.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 66 (2015).

COMMITTEE REPORT
NO. 15-125 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill 67 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW FAMILY CHILD CARE HOMES WITHIN THE AGRICULTURAL DISTRICT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-175, from Councilmember Don S. Guzman, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-125.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on August 20, 2015, to consider a proposed bill to allow family child care homes located within farm dwellings as an accessory use within the Agricultural District.

The Maui Planning Commission has reviewed the proposed bill and recommended it be passed.

The proposed bill is consistent with Act 210 in 2014, which allows for family child care homes in the Agricultural District, pursuant to Hawaii Revised Statutes Section 46-15.35.

Your Committee recommends passage of the proposed bill on first reading and filing of the communication.

I respectfully request the support of the Council.

CHAIR WHITE: Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the motion but I would ask Chairman Couch of the Committee, if under Section 14, on page 3, which is his language for a, permitting this family child care homes, that the sentence add, end with "and located in a legally permitted farm dwelling". I would ask the, the Council to consider that we insert in front of "farm dwelling", "legally permitted", because I have issues with some of the structures on agricultural land, Chairman.

And I think that's appropriate that we support that they go through and make sure that if it's for child care and child preschool education, it is in a safe and acceptable structure.

COUNCILMEMBER COUCH: Is that a motion, Mr. Chair?

COUNCILMEMBER HOKAMA: I'm asking you, if I have no objections, Chairman--

COUNCILMEMBER COUCH: Oh, no objections.

COUNCILMEMBER HOKAMA: --as the Committee Chair that he would entertain that consideration.

COUNCILMEMBER COUCH: No objections. Again, where exactly was that for the?

COUNCILMEMBER HOKAMA: It would be on page 4 of the bill, which is the last page.

COUNCILMEMBER COUCH: Okay.

COUNCILMEMBER HOKAMA: On the second line, insert "legally permitted" in between "a" and "farm dwelling", the phrase "farm dwelling".

COUNCILMEMBER COUCH: I have no objection.

CHAIR WHITE: Okay.

COUNCILMEMBER HOKAMA:

I MAKE THAT MOTION TO AMEND, CHAIRMAN.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama with a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman. I just would ask the Members for this consideration.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: The motion to amend passes with nine "ayes", zero "noes".

And, we're back to Mr. Couch, for the main motion. Any further discussion?

COUNCILMEMBER COUCH: Nope.

CHAIR WHITE: Members, any further discussion on the main motion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 67 (2015).

COMMITTEE REPORT

NO. 15-126 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-113, entitled "APPOINTMENT OF PAUL OTANI TO THE KULA AGRICULTURAL PARK COMMITTEE," be ADOPTED.

Approve the appointment of Paul Otani to the Kula Agricultural Park Committee for the term expiring March 31, 2020.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-126.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. Your Committee met on August 17, 2015, to consider a proposed resolution to approve or disapprove the nomination of Paul Otani to the Kula Agricultural Park Committee, for a term expiring March 31, 2020, to fill the vacancies due to the, the, to, due to the expiration of Ricky Kametani's term.

Your Committee notes that Mr. Otani is well-suited to fill this position because he has more than 40 years of experience as a farmer, and has past service as Vice President of the Maui County Farm Bureau, President of the Maui Farmers' Cooperative Exchange, and member of the original Kula Agricultural Park Advisory Committee.

Mr. Otani will represent, represent; represents from the Tenants Association of the Kula Agricultural Park, pursuant to provisions in Subsection 22.04A.070(A)(5), Maui County Code.

Your Committee recommends the adoption for the approval of the proposed resolution.

I respectfully ask my Councilmembers for their full support on your Committee's recommendation. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion on this item, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-113.

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 15-222 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated August 12, 2015)

Transmitting 81 contracts/grants for the month ending July 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would ask the Members, if they have any request for any specific contract to be sent to the Committee under its finance responsibilities, to make their request known.

SO, I WILL SAY THAT AT THIS TIME, I'M GOING TO REQUEST THAT 5347-2 BE REFERRED TO COMMITTEE, AS WELL AS CONTRACT C5782, BE REFERRED TO COMMITTEE. THERE'S A LOT OF CONTRACTS REGARDING SOLID WASTE, REGARDING OPERATIONS. SO, IF THERE'S NO REQUEST, THEN I WOULD ASK THAT ALL OTHER CONTRACTS, AS IT RELATES TO COUNTY COMMUNICATION 15-222, BE FILED.

CHAIR WHITE: Members, are there requests for any other contracts to be referred to Committee. Seeing none, the motion stands as stated by Mr. Hokama.

COUNCILMEMBER VICTORINO:

SECOND.

CHAIR WHITE: Any further discussion?

COUNCILMEMBER COUCH: We need a second.

COUNCILMEMBER VICTORINO: I seconded, Mr. Chair.

CHAIR WHITE: Oh, I'm sorry. Thank you. We have a second from Mr. Victorino.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

NO. 15-223 - ALAN M. ARAKAWA, MAYOR,
(dated August 20, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Richard Campas.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you.

I MOVE TO FILE COUNTY COMMUNICATION 15-223.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion to file from Mr. Victorino and a second from Mr. Couch. Any further discussion?

COUNCILMEMBER VICTORINO: Well, Mr. Chair, I would like, first of all, to thank Mr. Campas for his service on the Arborist Committee. And, thank him for his service, that's it. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 15-224 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated August 18, 2015)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for June 2015 for all registered well reporters in the County of Maui.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO FILE THE REPORT.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: No further comments, Chair. These are routine reports that are available for anyone who would like to take a look at them.

CHAIR WHITE: Thank you. Any further discussion, Members?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

NO. 15-225 - RIKI HOKAMA, COUNCILMEMBER,
(dated August 28, 2015)

Transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROVIDING THE COUNTIES GREATER FLEXIBILITY IN FINANCIAL INVESTMENTS".

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: No, Mr. Hokama.

CHAIR WHITE: Mr. Hokama, then.

COUNCILMEMBER HOKAMA: Thank you, Chairman. It's a great morning.

CHAIRMAN, I WOULD ASK AT THIS TIME, MAKE A MOTION TO, THAT THE REQUIREMENT FOR COMMITTEE REFERRAL AND REPORT BE WAIVED AS IT REGARDS TO COUNTY COMMUNICATION 15-222 [SIC], REGARDING FROM THE RULES OF THE COUNCIL.

COUNCILMEMBER VICTORINO:

I SECOND THE MOTION, MR. CHAIR.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama to waive the rules, and a second by Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this would, if the Members agree to this motion, would allow us to move forward for consideration of a proposed resolution that has a time sensitivity to be able to appropriate, make the Hawaii State Association of Counties Legislative packet for the upcoming 2016 Legislative Session.

CHAIR WHITE: Thank you.

Any further discussion, Members, on the waiver? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Motion to waive passes, nine "ayes", zero "noes".

Back to Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 15-225, BE
APPROVED, TO BE INCLUDED IN THE 2016 HSAC
LEGISLATIVE PACKAGE, AND THE FILING OF
COMMUNICATION.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Budget and Finance Committee did have the opportunity to discuss the subject which is requesting the State Legislature to expand the current investment tools that the Counties can safely invest their short-term cash for investment earnings to be more inline and consistent with what the State allows itself in, in investment instruments.

So, Senator Agaran, we appreciate our Senator being willing to sponsor the legislation and bring forth this initiative that we feel is in the County's best interest. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-114.

Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 15-226 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated August 28, 2015)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KULA AGRICULTURAL PARK EXPANSION)";
2. A proposed resolution entitled "APPROVING THE ACQUISITION OF 148.338 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK"; and
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF 224.8 ACRES FOR THE EXPANSION OF THE KULA AGRICULTURAL PARK".

The recommended action is that County Communication No. 15-226 be referred to the Budget and Finance Committee.

NO. 15-227 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated August 27, 2015)

Transmitting the following proposed resolutions entitled:

1. "APPROVING A TIME EXTENSION FOR THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MOLOKAI COMMUNITY PLAN"; and
2. "APPROVING A TIME EXTENSION FOR THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT MOLOKAI COMMUNITY PLAN".

The recommended action is that County Communication No. 15-227 be referred to the Planning Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 15-227 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 15-115. COUNTY COMMUNICATION NO. 15-227 WAS THEN FILED. See page nos. 81 through 88 for discussion.)

NO. 15-228 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated July 30, 2015)

Transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF APPROXIMATELY 4.31879 ACRES IDENTIFIED AS TAX MAP KEY NOS. (2) 3-5-001:067 (POR.), (2) 3-5-001:091 (POR.) AND (2) 3-5-001:106, AND RELATED EASEMENTS, WAILUKU, MAUI, HAWAII".

The recommended action is that County Communication No. 15-228 be referred to the Water Resources Committee.

NO. 15-229 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,
(dated August 26, 2015)

Transmitting the proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING THE WATER AVAILABILITY POLICY".

The recommended action is that County Communication No. 15-229 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you.

And, Members, we will go back to item 15-227, but with respect to all other items as read by the Clerk, are you comfortable with the referrals, or are there any objections?

MEMBERS VOICED NO OBJECTION.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 15-227

CHAIR WHITE: Thank you.

We'll go back to item 15-227.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR THE COUNTY
COMMUNICATION 15-227, PURSUANT TO RULE 7(E) OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This will, if we waive this, this will allow us to act on the extension of time for the CPAC from Molokai so that, we've heard a lot about in, in testimony today. So, this is the first step of a few.

CHAIR WHITE: Okay. Thank you. Any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. Thank you, Mr. Couch for bringing this forward. I, I appreciate our, my colleagues support to have us move the, going through the waiver and so that we can pursue a time extension for our Molokai Community Plan.

I, I appreciate our Planning Department, but I more especially appreciate community members who, again, will extend their time and their efforts. And, it's, it's been quite a journey for many of them. This is the first time for their participation, so I know extension will just stretch, stretch out their time more, as well as the community. And, but they also see that we, the extension is necessary for us to really put forth a plan that can be satisfying to the community as well as the, the Advisory Committee. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members, on the waiver? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE SECOND PROPOSED RESOLUTION ATTACHED TO THE COUNTY COMMUNICATION 15-227, WHICH WOULD GRANT THE MOLOKAI COMMUNITY PLAN ADVISORY COMMITTEE UNTIL OCTOBER 30, 2015, TO COMPLETE ITS REVIEW OF THE DRAFT OF THE MOLOKAI COMMUNITY PLAN.

COUNCILMEMBER CRIVELLO:

I SECOND THIS MOTION.

CHAIR WHITE: Okay, we have a motion from Mr. Couch and a second from Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: No further comment.

CHAIR WHITE: I'll take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:36 A.M., AND WAS RECONVENED AT 11:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: The meeting of the Council of the County of Maui will come back to order.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO SUBSTITUTE FOR THE SECOND PROPOSED RESOLUTION, ATTACHED TO COUNTY COMMUNICATION 15-227, THE ATTACHED REVISED PROPOSED RESOLUTION.

That's the one attached to Amendment Summary Form that was passed out for this meeting.

CHAIR WHITE: And, could you provide a short explanation please?

COUNCILMEMBER COUCH: Sure.

CHAIR WHITE: Oh, I'm, I'm sorry. That was a

COUNCILMEMBER CRIVELLO: Motion.

COUNCILMEMBER COUCH: It was a motion.

CHAIR WHITE: --motion to amend, yes.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: Thank you.

COUNCILMEMBER COUCH: Okay.

CHAIR WHITE: We have a motion to amend by Mr. Couch and a second by Ms. Crivello.

COUNCILMEMBER COUCH: Thank you.

CHAIR WHITE: Mr. Couch.

(Vice-Chair Guzman returned to the meeting at 11:38 a.m.)

COUNCILMEMBER COUCH: Mr. Chair, the, there was some questions about the title and the actual law that we're trying to do. And, so what we've done is made it more succinct saying, essentially that the law says that the, within 180 days after its first meeting, a Community Plan Advisory Committee shall forward its recommended revisions to the Planning Director. So, that's what we said in the title, and in the third where, one, two, three, fourth whereas, so.

CHAIR WHITE: Okay, thank you very much.

Members, further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

And--

COUNCILMEMBER COUCH: Main.

COUNCILMEMBER HOKAMA: Back to the main motion.

COUNCILMEMBER COUCH: Main motion.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: No, that's it. No, no further comment.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I am happy to support the motion as amended on the floor. I would just say, though, what happened to the Lanai one? I'm still waiting. My Committee is still waiting, months yet, for what the Council has already been acting on.

So, Chairman, you know, my thing is I understand why we're going to extend Molokai. But, that also then defers West Maui. So, I hope we're looking at the whole process, because this is going to take a hell of a lot longer than we had anticipated; and again, for good reasons.

But, you know, my comment in supporting is, when the hell we going to finish Lanai? Cause I am tired of getting comments when I go home every weekend, where is the damn plan?

So, again, Chairman, I am not going to answer for the Department. I am not going to answer for the land, landowner, you know, I can answer for Council. And, it's in our purview, and I'm going to just ask that we, we finish our portion of this responsibility as soon as possible. Thank you.

CHAIR WHITE: I, I have reservations about the extension, but I, you know, I support it. But, we all have to remember that we've got lots of plans that follow. And, I don't want the next communities to get the sense that we're going to just be offering extensions willy nilly. So, I implore the Department to make sure that whatever preparation they provide for the CPAC's up, coming up in West Maui, and, and the ones that will follow, that everyone understands that we're not having a loose, you know, a loose system here.

We need to keep to the schedule because we've got a lot of work to do. And, we have to make sure that everyone understands that we have to stay on schedule. But, I understand that, you know, we're, we're extending this significantly because of the two delays, the delays due to, to the hurricane. But, also, you know, the community, community needs more time.

But, I, I don't want the other communities to feel that we're going to be as willing to extend when all these meetings will be on Maui Island, not on Lanai or Molokai.

Any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Go ahead.

COUNCILMEMBER CRIVELLO: I'd like to just add, I can appreciate your, your concerns. And I, I'd like to just say to the, you know, for Lanai, like Mr. Hokama says, it's, it's before Council at this point. And, as well as understanding what the other districts will be waiting for. But, I'm, I'm sure the other districts on Maui can appreciate the community's efforts to want full participation, and recognizing that we're not complete yet. And, and, actually, yesterday was so considered the last meeting, so we've, we've met that, and we're not fully accomplished.

So, I don't think it's a loosely request, Mr. Chair. It's, it's necessary for us to hold the, the process with integrity and credibility, because it is called the Community Plan. And, it's going to be there for 10 years. And, you know, there is plenty work that needs to be done, not to take away what the community or the districts on Maui is anxiously waiting.

But, I think they would applaud the fact that the community is having full participation. Thank you.

CHAIR WHITE: Thank you.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I, I too echo your sentiments in a general sense. However, on this one, I'm trying to listen to the community and listen to the Department to say, you know, we want to avoid a little bit of what happened on the Lanai Community Plan. That's one of the reasons why it's a little late, because there wasn't consensus with what came to this Council.

So, and as far as the Lanai Community Plan, and I am taking full responsibility for that one. There are some issues that we have that we're trying to get that completely rewritten to what we've discussed, and we've discussed a lot in the Lanai Community Plan. Then it's going to be published sooner rather than later. So, I guess that's, that's straight on my Committee, so I'm taking full responsibility for that one.

CHAIR WHITE: Okay. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNCILMEMBER COUCH: One more.

COUNTY CLERK: Mr.

COUNCILMEMBER COUCH: One, one more, Mr. Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION
15-227.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion to file by Mr. Couch and a second by Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: No comment.

CHAIR WHITE: Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 15-115.

Mr. Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 55 (2015)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016,
POST-EMPLOYMENT OBLIGATIONS FUND

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL 55 PASS SECOND AND
FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this bill for second and final reading is a ordinance, that in cooperation with the Department of Finance, the County of Maui is now making it's payment regarding obligations in the first quarter to maximize the interest that the State has in short-term investments to get the greater return on our principle than the County could realize by itself.

So, we are making this payment in advance, again, to capture the greater investment interest that the State is allowed to do. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 56 (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM THE R-1
RESIDENTIAL DISTRICT TO THE SBR SERVICE BUSINESS RESIDENTIAL
DISTRICT FOR PROPERTY SITUATED AT 2241 WEST VINEYARD
STREET, WAILUKU, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER COUCH: Thank you, Chair.

I MOVE TO PASS BILL 56 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. The property is owned by Hula Maui LLC. The Change in Zoning would make the property's zoning consistent with its designation in the Wailuku-Kahului Community Plan.

I ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 57 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, RELATING TO SEWER LINE MAINTENANCE AND REPAIR AT THE LAHAINA CIVIC AND RECREATION CENTER

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

I MOVE THAT THE BILL 57 (2015) PASS ON SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Ms. Cochran.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. This bill would authorize the Mayor to enter an intergovernment, enter into an intergovernment agreement with the State Department of Accounting and General Services, to establish a maintenance program for the Lahaina Civic and Recreational sewer line.

The agreement provides for a sewer line maintenance and repair cost at the Civic Center to be shared proportionately between the State and the County, with the County paying 80 per cent of the total cost.

I respectfully ask my Members for their support on this bill.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 58 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE
STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL
ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

I MOVE TO PASS BILL 58 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. This bill would authorize the Mayor to enter into an intergovernmental agreement with the Employees', Employees' Retirement System of the State of Hawaii to provide the Governmental Accounting Standards Board Statement No. 68 Report.

GASB 68 requires that the County to disclose additional information relating to the employees' pension then has been previously included in a Comprehensive Annual Financial Reports. And, the report is needed to obtain additional pension information.

As a result, the CAFR will reflect the County's unfunded liability relating to the employees' pension more accurately.

I respectfully ask the Council for their, their support on this bill.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 59 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF
MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
OFFICE OF THE AUDITOR, STATE OF HAWAII TO AUDIT THE SCHEDULE OF
ALLOCATIONS OF THE EMPLOYEES'
RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

I MOVE TO PASS BILL 59 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. This bill would authorize the Mayor to enter into an intergovernment agreement with the Office of Auditor, State of Hawaii, to audit the schedule of allocation of the Employees' Retirement System of the State of Hawaii.

The County Auditor noted that the audit of the schedule of allocation is needed to complete the CAFR, which is the audit by an, which is audited by an independent auditor hired by the County. He explained the County's independent auditor needs assurances from the ERS data to, is reliable prior to auditing the CAFR, and obtaining information comply, compiled by the, compiled, I should say, correction, sorry, compiled by the ERS actuary and the audit by the ERS independent auditor will meet these requirements.

I respectfully request the Council's continued, oh, their support on this bill.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 60 (2015)

A BILL FOR AN ORDINANCE AMENDING TITLE 19,
MAUI COUNTY CODE, TO ALLOW COMMERCIAL AGRICULTURAL
STRUCTURES IN THE AGRICULTURAL DISTRICT

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO PASS BILL 60 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Bill 60 (2015) would allow agricultural stands, farmer's market, agricultural retail structures, and agricultural food establishments in the County Agricultural Districts as, as accessory uses, subject to certain restrictions.

The bill supports sustainable agriculture for the County and diversifies opportunities for the aging farming industry. Featuring our local products helps residents and visitors understand our connection with the land while engaging future generations to support small farms.

The bill intends to boost economic development opportunities for farm, for farming enterprises while providing built-in protections such as size of the, size of the structure, a nexus, a requirement for a implemented farming plan allowing, allowable wall space, hours of operation, and parking requirements, ensuring minimal impact on our island's small town characters.

It also, this bill also has the support of the Planning Department, as reflected in the Committee Report, and as well as first reading.

I respectfully request the Council's support of this bill.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. An interesting bill, and not one that has a hundred percent support obviously.

First of all, I would like to comment on the public testimony that was given in relationship to this bill, and some of the remarks by the Chair. First of all, there was talk about a community kitchen. It's not kitchens, it's a kitchen, which we have worked with the Parks Department and the Administration, putting together a proposal which we will bring before the community shortly. But, it is one kitchen to serve the farmers, and those that would make use of it for small canning operations, and other things of Hana goods. It's not more than one, it's just one kitchen that would be used for everyone.

Secondly, at the last meeting, right after the meeting, we received petitions, and other things. And, it's always a day late and a dollar short. But we received a lot of input today. Mr. Sinenci and Mr. Atay, came and gave testimony, they brought petitions, and then I found another petition that is not reproduced and given to you. And, he also brought these photos of different things on Hana Highway. This is not all. This is just a few that they took pictures of. Their concerns are real. And, whatever this Committee decides, I would hope that all the Members take their concerns seriously.

I have heard some comments that disturbed me, from other testifiers and other people, saying, well, they don't really know what's going on. They know what's going on. They have read the bill. They have an understanding of it. And that is their interpretation of what will happen to our community if this bill passes as it is. And, that is how they feel. There are several people that would like to see it pass in Hana. The overwhelming majority do not want to see it pass.

When I made, when I, on first reading, I should say, when I was going to introduce an amendment, I had reduced the area, because our area actually goes to Kapipi Gulch. For those of you who don't know where it is, that's just down from Kaupakalua Road,

when you go down in that big gulch, that's the boundary on one side. The other one is in Kanaio. And, hardly anybody knows where that boundary is, except for a few people like us that really have to know.

In the amendment, I changed it to Kaupo to Keanae, because that is the area that is really impacted. And, the people in Kailua and the other side, they don't really affect Hana. They're not really, they don't come to Hana Community Association meetings. They don't get involved in the actions of Hana. They work through Haiku. And, Haiku, I think, very well represents that area.

But, Hana has been very vocal. I think that their concerns are legitimate. In several of the requests, they said well, there's parts of the bill that are just fine. But, there were parts inside there that they really had a problem with. And, because of the time constraints, and the inability to go over there and just make specific changes, that is why they asked to be excluded.

At the first reading, when we discussed it and I asked Mr. Guzman and the Committee, that if we pass this out, if Committee would be willing to go over there and look at individual portions of this bill that were detrimental to our district, and felt had support over there, that if they would be heard by this Council, and that we would consider it. And, I would imagine that other districts too, once something's implemented, sometimes there are what we always say unintended consequences, and we would need to address them. And, I have taken that back to the community members I have talked with.

I would hope that we can address Hana, the East Maui, separately from other districts. I have no problem looking at Lahaina. Lahaina has special uses too. Kihei, Upcountry; we're one island, but the concerns are different. We are not all the same. And, many times in legislation, one piece of legislation will cover everything. Sometimes, it needs to be specific to our different districts; the islands of Molokai, Lanai, and some districts in Hana.

I am sure that we have talked about this a lot. I would hope that we would continue to not call this what we call a done deal. We need to go over there and closely monitor our communities, not only Hana, but our other communities and make sure that if there are things that need to be addressed, and of course my community feels that there really are, that we need to bring them back and address them. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I understand Mr. Carroll's concerns. And, I, I think they are very valid concerns, especially with what we've received.

You know, you, you look at the pictures that we've received this testimony, and this bill would not allow this. Everybody's afraid that this is going, what's going to happen. There's nothing in these pictures that this bill would allow, pretty much that I can, of the pictures that are clear. So, I understand their fears, but at this point, the things that are in this bill are, are needed for the whole County.

If Hana has some issues with certain things that, you know, in Mr. Carroll's amendment that he put in there, I, I would strongly suggest that if this bill passes out today, that Mr. Carroll or the community come up with some language that they would like, now that they have some time. Because, and then, introduce a new bill to tweak it for Hana.

The, this has been in Committee. It's unfortunate that we didn't hear about this until it came out of Committee and came onto Council floor because there was plenty of time to, to discuss the concerns and, and amend the bill on, in the Committee.

So, I'm in support of the bill as it stands right now. But, I also understand, you know, some of this stuff is already illegal, and this bill would not allow for this. And, I'm a little concerned, is that I haven't heard of any request for services against these specific properties. So, I, I don't know if, if the testimony today is a, is a complaint or not. If it is, I would encourage that the Department go out and, and enforce on these guys.

So, I, I understand where Mr. Carroll is coming from, but I think overall, this is something that is a good bill. It's been in the works for a long time, and if there are concerns that another bill can come along to, to do the tweaks that are necessary. Thank you.

CHAIR WHITE: Chair would just like to add that, you know, we, I think all of us understand the concerns of the, the Hana community. At the same time, all of you as Chairs have been very willing to go back and revisit things after, after they've been passed

and make appropriate corrections. And, so, I know Mr., Mr. Guzman will be more than happy to, to take a look at whatever the community comes up with, and as all of us will as well.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, I can appreciate Mr. Carroll, what he's saying. And, I also, you know, for us to say this been in Committee and only now this comes up, or what have you. But, it's a process that we allow.

And, they've come with signatures. And, when I look at those, these names here, they're generational Hana families. And, so, I don't, you know, take that lightly.

And, Mr. Couch, if these are illegal stands and it's been going on, then if we're aware of it, something needs to be addressed. And, I, I will support where Mr. Carroll, hopefully he will come up with some sort of bill to support where the Hana families are, are coming from.

And, what is it that we need to because, you know, I consider myself coming from a rural area, and one size does not fit all. Yes, we are of one County, and that's what makes us very unique. We're a very special County because we have this ruralness that does exist or, or when we listen to the kua`aina, that it's important that we take what they're talking about, their sense of place.

And, when I listen to Brother Shane and Mr. Atay, they're talking about their sense of place. And, for us to challenge their testimony, or to question whether or not they understand the bill, I think it, do we understand when they're talking about their sense of place? And, that's what I take into consideration.

So, hopefully, Mr. Carroll will work on something that we can accommodate this petition that has been set before us. Thank you, Chair.

CHAIR WHITE: Thank you.

Mr. Hokama, followed by Mr. Guzman.

COUNCILMEMBER HOKAMA: Chairman, I would say, again, I understand what is being proposed. It is a countywide policy. I understand the Department's position, that we shouldn't be carving out and making specialized type of regional legislation, and their issue of enforcement of the policy.

But yet, I do know, and that's why I'm happy Mr. Kushi is here this morning, is that, if the district then, through their community plan, puts language in that prohibits this type of proposal that we're considering right now, what, how would Corp. Counsel look at the provision of the community plan versus the ordinance in the Code, regarding specifically Bill 60? Who would have the trump card?

CHAIR WHITE: Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI: If, if I understand the question, if there is restrictive language or, or policy statements in the community plan--

COUNCILMEMBER HOKAMA: Yes.

FIRST DEPUTY CORPORATION COUNSEL: --which the Council adopts as the general plan--

COUNCILMEMBER HOKAMA: Right.

FIRST DEPUTY CORPORATION COUNSEL: --pertaining to a particular district, then that should serve as a guide in any and all zoning ordinances. Where there are inconsistencies, the zoning ordinance may be challenged.

COUNCILMEMBER HOKAMA: Okay. I'm just looking at what options does the community or region have, cause, I mean it's not an issue on Lanai. And, I, I cannot foresee it ever being one issue unless we really turn a blind eye and, on enforcement. You know, I'm just looking to see what Hana people can look as options on how to address this concern. Cause I agree, one size doesn't fit all. Lanaians think differently from our sister and brothers on Molokai, on this island, because of everyone's unique regional situations.

So, again, I understand the goal that Chairman Guzman is trying to accomplish. But, we're coming from a small district too. I can appreciate when our local people are saying it's impacting my values, and how we look at things. And, so, you know, I, I am like Ms. Crivello, I take my, our local peoples comments to heart, especially those that have sacrificed and gone through bad times besides the good times, and have waited for opportunities for success.

So, Chairman, you know, again, this is not an easy thing. But, unless there's a specific motion by Mr. Carroll. What not then, you know, what is before us currently, I will be supporting the Committee. Thank you.

CHAIR WHITE: Thank you.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. And, just, just to clarify when the testifier was up, my questions were about the commercial kitchen. When I went to Hana, there was talk about they needed commercial kitchens. And, so, the next level is how were they going to sell these products? This bill would allow them to sell the value-added jellies and the banana breads that, that would come out of those commercial kitchens.

So, I get mis-readings from the, you know, the community wants this, but yet they don't want the vehicle that will allow it. And, and somehow I get this feeling that it's to prevent other people that are not from there, to exercise or at least become more productive.

So, I, I don't know how to handle the, the whole shield, sword and shield, you know, the, to, to allow them, to enable them to be productive, but yet protect them against, I guess, so-called outsiders. So, I'm just trying to do what is best for all.

And, I under, I, I completely appreciate Mr. Carroll's position. In fact, when he came forward, when this item was first put on the Council floor, and I was unaware that he was going to put forth an amendment. You continued this, this item to allow Corporation Counsel to give an opinion whether in fact the HRS 205 would restrict us from exempting Hana.

The opinion came out while in fact that we, we could be more restrictive and allow an exemption for Hana. We then got an opinion from the Planning Department, and they were in opposition to carving it out. But, I did in fact work with Mr. Carroll to help redraft a new amendment to carve out a certain area. However, unfortunately, Mr. Carroll did withdraw that amendment.

But, I am in no, I have no problem in bringing this back up to our Committee at the Committee level. But, as it is right now in second reading, I, I feel that to, to bring it back down to Committee just specifically for this one Hana issue, I, I think it would be an, be unserved or be injustice to those who have been waiting for this bill to pass for quite some time. But, I, I completely understand where Hana is coming from.

I just, I think I'm just going to need more time to, to try to be more specific in what they need. But, yet, it's difficult because when they need something, it opens up the door for those who they don't feel they want that type of, I guess, industry or persons there. But, I'll work with them, definitely. Thank you, Chair.

CHAIR WHITE: Thank you. I, I think it's important to understand that there's a difference between an exemption and establishing criteria for Hana. I know Mr. Carroll was, was working in that direction. And, I, so, there's a, there's a resolution here somewhere. It's just that it, it hit us at the last moment. And, I think there's, I think Mr. Carroll, you've brought forth some good, you know, some good thoughts. And, the testifiers have very specific interests. And, I'm, I believe we can address them.

So, Mr. Victorino.

COUNCILMEMBER VICTORINO: No, you took my thunder, so that's the end of that story. Thank you.

CHAIR WHITE: Oh, sorry about that.

COUNCILMEMBER VICTORINO: No, no, that's okay, that's okay.

CHAIR WHITE: You've always gotten thunder, Mr. Victorino.

COUNCILMEMBER VICTORINO: Basically, if we can, and we have in the past, and continue to do in the future for Lanai and Molokai, I cannot see why we cannot do something for Hana. That's plain and simple. That's just the way I want to state it.

And, I looked at the names also. These are multi-generational long term residents of Hana. And, I think they deserve that consideration.

So, so long as Mr. Guzman has made assurances that he will, you know, work with Mr. Carroll and find some resolution, I'd be more than happy to support today, the passage. But, I remind him that if it's not done, I will be knocking at his door. Thank you, Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I, this is again one of those difficult ones. However, as the Upcountry representative, I've been watching this bill progress through the Ag Working Group, and I have seen the many, many, many meetings and hours that people have put into bringing this to where it is today.

And, I will be supporting the bill as it is, however, I do have and share all the concerns that Mr. Carroll and my colleagues have about the situation in Hana. And, I agree with you that it is possible for us to take a look at this bill once we pass it. And, I know that Member Guzman is definitely committed to this, to find some, some special consideration for them. It is a special area with special needs, and certainly is unique, and to be protected. And, I will be more than happy to be a part of that. Thank you.

CHAIR WHITE: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. And, I thank my fellow Councilmembers for their concern about our area, and their willingness to work with us, and especially Mr. Guzman. It should be brought out that he went to Hana, he did go to Hana. We're kind of a day late and a dollar short, using the old statement, and a lot of times it's to when it comes down to the eleventh hour that people start coming out and really getting involved, and really bringing forward all of their concerns.

I will support the bill today. The efforts on everyone has been very, very, very rewarding. And, I appreciate all of the other districts, and all of the involvement, and all of the public testimony that we received.

I look forward to working with Mr. Guzman. And, I look forward to working with him on the Hana concerns. And, I hope he will be coming back to Hana with me, and we can come back with something comprehensive that addresses those concerns in a manner that the Council and the community will find acceptable. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

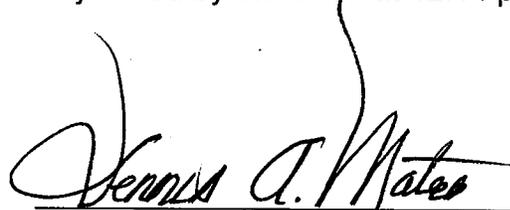
Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members. And, thank you for staying past the noon hour to finish up. And with that, we are adjourned.

ADJOURNMENT

The regular meeting of September 4, 2015 was adjourned by the Chair at 12:14 p.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Aloha Kakou,

At the meeting on August 19th I gave testimony quoting Chair Steve Chaikin from an article in the Molokai Dispatch, "It's going to take the entire community to make it [the Moloka'i Community Plan] a reality. People need to feel like they're part of the plan...to get this ownership interest in the plan so you're more likely to make it a reality."

The 'Aha Kiole is offering to work with CPAC. They have already reviewed documents combining the previous and current plans into a format that highlights changes and differences. They are willing to bring the plan out to the community through the established Moku and conduct meetings, talk story, sit one-on-one to involve and engage the Moloka'i community.

What better way to get "ownership interest" and be "more likely to make it a reality." It makes perfect sense.

Not enough? Here is more rationale for the need for more community input based on what the Maui County Planning Dept. staff has done in the area of Community Engagement.

In chronological order from the website:

In the Community Engagement section, the Kick-off Event 1 was an Open House June 26th 2010, where 40+ attended.

That was followed by two public workshops, Events 2 and 3, Oct. 2nd and 16th 2010, where a total of 124 attended (40% attending both days...50 for 2 days and 74 for 1 day).

In the Cultural Resources Paper prepared by Chris Hart in January 2011, Hart states, "The 'Aha Moku initiative is still in its formative stages yet has gained strong support, especially on Moloka'i where some community members favor local resources management." Hart encourages, "The County should continue to track the progress of the 'Aha Moku and initiate open dialogue with its representative regarding County support of the initiative" (Hart, p.27).

There is no evidence the 'Aha Kiole was ever contacted or an open dialogue was started. Given the progress they have made on Moloka'i they should have been included between January 2011 and now.

Event 4 was another Open House to present past community input on Nov. 15, 2014. There is no data on attendance.

Therefore, from the website there were a confirmed 164 people total who participated in all the Events. The community involvement, then, is approximately 2.2% based on the number provided in the 2010 residential population of 7,345 (Knox, 2015 Part 2 p.2-2).

The Planning Director's Overview of Community Planning Process presented August 19th 2015 in power point form, "between 2010 and 2014 7 public workshops were held. Up to 69 Moloka'i residents attended. Planning conducted 145 one-on-one interviews with residents." The community involvement (214 people) is approximately 2.9% again based on the Knox report.

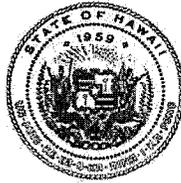
From Appendix 1.1 Moloka'i History Summary, "During 2010 and 2011 about 40 interviews with Moloka'i residents were conducted by the county's planning staff" (A7).

It is not clear how many community people/residents were actually involved up through the end of 2010. The data is confusing. There is also no evidence of any community engagement happening between January 2011 and November 2014 or November 2014 to March 12, 2015.

The Moloka'i community deserves more input. The 'Aha Kiole is willing and able to do the task. There is an opportunity to come together, to influence a plan the committee and the community can be proud of and to set a precedent for working together successfully. Please grant the October 31st extension requested.

Me ka mahalo, Keri Zacher Mana'e Moku 9/4/2015

RECEIVED



2015 SEP -3 PM 2: 57

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
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OFFICE OF THE
COUNTY CLERK

**Testimony in SUPPORT of Committee Report 15-117
AMENDING CHAPTER 8.20, MAUI COUNTY CODE, RELATING TO
PROHIBITING SMOKING AT BUS STOPS**

COUNCILMEMBER MICHAEL B. WHITE, CHAIR
COUNCILMEMBER DONALD S. GUZMAN, VICE CHAIR

Hearing Date: September 4, 2015

Room Number: Council Chamber

1 **Department Testimony:** The Department of Health (DOH) supports the First Reading passage
2 of Committee Report 15-117, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20,
3 MAUI COUNTY CODE, RELATING TO PROHIBITING SMOKING AT BUS STOPS" which
4 would create protections from involuntary exposure to tobacco smoke at all Maui County public
5 bus stops. DOH also supports the inclusion of electronic smoking devices (ESDs) in this
6 measure to provide further safeguards against any harmful aerosols emitted from the devices.

7 This measure expands the prohibition of smoking in certain places to include any bus
8 stop, pursuant to Chapter 11.07 of the Maui County Code. New language in the bill clearly
9 demarcates the 20 foot boundaries from the bus stop sign or shelter footprint where smoking
10 behavior is prohibited.

11 Involuntary exposure to secondhand smoke is unhealthy and preventable. Research, cited
12 in a study published in the Journal of the Air & Waste Management Association, confirms that a
13 person sitting or standing next to a smoker outdoors can breathe in smoke that is many times
14 more polluted than normal background pollution levels.¹ The 2006 U.S. Surgeon General's
15 Report found that even brief exposure to secondhand smoke may have adverse effects on the
16 heart and respiratory systems and increase the severity of asthma attacks, especially in children.²

¹ Klepeis, NE, WR OTT, and P. Switzer. "Real-Time Measurement of Outdoor Tobacco Smoke Particles." *Journal of the Air & Waste Management Association* 57.2 (2007): 522-34. Retrieved online, August 26, 2015.

² "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General." U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

1 Increasingly across the country, municipalities are acting to protect the health and well-
2 being of their citizens by creating smoke-free environments. In 2013, the City and County of
3 Honolulu took bold and significant action to prohibit smoking at beaches, parks, recreation areas,
4 and all 4,000 bus stops in the county. Many commuters are workers or students who rely on the
5 bus as their primary means of transportation. They are often subjected to the toxic chemicals
6 that drift from a waiting passenger's cigarette. Given the need to signal an approaching bus by
7 standing near or next to signage indicating the stop, riders must often stay within close proximity
8 to smokers. These circumstances provide for potentially hazardous conditions for vulnerable
9 individuals such as those with chronic diseases, the elderly, or children. As the recent expansion
10 of Maui's bus fleet in 2014 indicates a strong and increasing ridership in the country, more
11 residents and visitors to the island are susceptible to involuntary exposure.

12 During the 2015 Regular Session of the 28th Legislature, ESDs were included in Hawaii's
13 clean indoor law (HRS §328J), prohibiting usage of tobacco products wherever smoking is not
14 allowed in enclosed or partially enclosed public places or places of employment. For health and
15 uniformity considerations, the DOH supports the Maui County Council's discussions to include
16 ESDs in this measure. ESDs pose several threats to the public health. Youth uptake of the
17 products has been alarming in recent years, and the manufacturing and advertising of ESDs
18 remains unregulated. Studies also report growing evidence of the presence of harmful chemicals
19 in aerosols emitted from ESDs. These devices are not regarded as bona fide cessation devices by
20 the U.S. Food and Drug Administration. Additionally, without inclusion of ESDs, enforcement
21 of all smoke and tobacco-free policies may be hindered, given that aerosol clouds emitted from
22 the devices often mimic tobacco smoke.

23 The positive impact of creating smoke-free bus stops would be far reaching, as Maui bus
24 ridership expands. The DOH supports this effort which ensures clean, tobacco-free areas to
25 protect Maui residents and tourists alike, and creates a cleaner, healthier, and safer transit system.

26 Thank you for this opportunity to testify.

September 4, 2015

TO: Chair Mike White and Councilmembers:

My name is Sharon Eakins and I am speaking on Bill No. 60, Amending Chapter 19.30A, MCC relating to Roadside Stands and Farmer's Markets in the Agricultural District.

I have been an honored visitor of Maui for nine years. I chose my rural zoned home of nine years in beautiful Upcountry Kula for the beauty, climate and rural/agricultural character. I have been blessed with the greatest landlords, the Yoshimoto family. We are adjacent to Agricultural Land and are a residential neighborhood.

I am speaking neither for or against this bill but rather presenting concerns as a resident of an area that has and will be affected even more when this bill becomes law.

The Mayor and three of his agency directors, Finance Dir. Agsalog, Planning Dir. Spence and DMV Dir. Vila apparently decided to do a trial run for the bill over two years ago. In August 2013, they licensed a Commercial Food Truck (Restaurant on Wheels) to operate on an AG zoned County Right of Way less than 50 feet from the windows and doors of my home. The food trailer, owned by the leasee of a farm and farmer's market directly across the street from my home appeared without any prior notice. No Special Use/Land Use Permit was applied for or granted. Residents within 500 feet were not notified and this resident ^{myself} less than 50 feet away was given no warning.

The food truck began operating on the actual farm property in August 2013 and operated with a loud generator on the AG land/farm until October 2013 when they moved it to the Right of Way where it continued to operate with a loud generator until my landlords contacted the State Health Dept./ Noise Control Division. They later hooked the food truck up with electricity. All surrounding neighbors are aware of this violation of Maui County Code of Ordinances.

The Food Truck operates seven days per week up to 10 hours per day. Overnight, I lost my home as I knew it, replaced by noise, traffic, safety concerns, pollution, drug use/arrests/police activity and loss of my privacy. After months of making calls to all County Agencies getting no answers as to how this could have been legally placed there, I ended up talking to the mayor's office. Mike Molina set up a meeting on 10/15/2014 in the mayor's office with Fin. Dir. Agsalog, Mr. Molina and myself.

In the meeting, Mr. Agsalog stated to me that as Fin. Dir., " he can place a Food Truck on any County Right of Way on Maui and that there is no ordinance stating how close to a home it can be." He also asked me, "why are you trying to take the livelihood of the food truck owners

away from them." During the meeting, I informed them both of illegal drug use taking place at the food truck on County property by the staff and customers of the business.

On 11/3/15^{14 SW}, four MPD cars were on the county right of way and farm property surrounding the food truck. One staff and two customers were arrested and pipes and drugs were confiscated. When I contacted Mr. Agsalog on 11/5/15^{14 SW} to inform him of arrests, he stated again, "you are still trying to take away the livelihood of the food truck owners."

He had no choice but to hold a Revocation Hearing for the license of the food truck. It remained open for business for the six weeks until the hearing was held. On 12/16/15^{14 SW}, I attended hearing to request that the County relocate the Food Truck to a Com/Bus district. I also presented evidence from MCC of Ordinances that the food truck should never have been placed in the zoning district without a Special Use/Land Use permit.

Two days following the Hearing, the food truck license was suspended for a mere 30 days and permitted to return to the same location on county property following the suspension. Three weeks after re-opening, while on a 60 day probationary period, the owner of the truck filed a false police report on me followed by a false TRO.

I continued to petition the county agency involved and continue to until today. Unfortunately, I found out anyone can file a false police report and TRO and you must go to court and you better have an attorney. I was the fourth person on record that she has filed a TRO against. After six months and four court hearings, the presiding judge decided not that I had committed the things I was accused of, but that she believed there was harassment due to my petitioning the county. She stated that she was formerly a Maui County employee (Corporation Counsel) and that I "need to accept what the county is telling me." As well, she stated, "well, you know, Kula Hardware and Nursery is right down the street from you." ^{not SW}

Two days following the hearing, the owner of farm, farmers market and food truck sent a threatening letter to my landlords, the Yoshimoto family. They are seniors in their 70's and one has been surviving a form of cancer for over two years. In the letter, she insisted that I move from their property or she would take legal action against them.

Now, you wonder why didn't I contact my council member for assistance. I did. She declined to speak with me by phone or in person. When I saw her at a Kula Com. Assoc. board meeting, her only statement was, "Sharon, this is an administrative issue." Letters regarding the food truck were forwarded to Mr. Guzman and Ms. Cochran as well and no response.

A good friend assisting me with this issue, lives in Chair White's district and wrote a letter to his office from herself and her parents in my behalf. And what did we get? The wonderful Troy Hashimoto responding, caring and willing for their office to look into the placement of the food

SW

truck. As well, they ~~said~~ expressed empathy for what I had experienced. After researching the issue, Chair White requested a legal opinion from Corp Counsel.

With all due respect, Mr. Wong's opinion was "Gobbledegook." Attempting to turn a dirt AG County Right of Way into a "parking lot" in the middle of the countryside making it perfectly legal to license a food truck to operate there. As of yesterday, after many months of waiting on a determination from the Zoning Department, Mr. Spence too stated in his letter that the county right of way is now a "county public parking space" and that zoning does not come into play in placing food trucks there. He even voiced sympathy for the first time regarding my many concerns. That was an improvement over what he said back in November 2014, when I asked him how he would like a food truck 50 feet from his home. His answer then was, "well, it depends on how good the food at the food truck is."

In closing, I want to state my love and support for good, pono, respectful farmers, farmers markets, value added locally grown business operators, food trucks operators and customers of all these. My father was a farmer, I buy the majority of what I eat from farmers markets and local farms. Sustainability is the only way. We all want local farmers to make a good living.

My concern regarding this bill is for people like myself, who live in and surrounding these AG farms who will soon have Commercial Retail Businesses operating in our neighborhoods. No Special Use/Land use Permits for 300 sq. ft structures but required for 1000 sq. ft. Having lived for two years with a commercial retail business operating next to me without a Special Use/Land Use permit when the law was not even passed is concerning for what is to come.

This is a list of some activities that have taken place regarding the food truck:

- 1) Sept. to Oct. 2013 – State Department of Health/Noise Control Section investigating Food Truck operating on AG farm property with a very loud generator and without a Special Use/Land Use Permit.
- 2) 10/15/14 – Meeting with Mike Molina, Fin Dir Agsalog and Sharon Eakins
- 3) 11/3/15 – three people arrested next to food truck on county right of way
- 4) 11/20/15 – Car stolen from neighbor's yard (with cash, credit card, driver's license, cell and camera inside) by guy hanging out at food truck, high on Meth.
- 5) 12/16/15 – Revocation Hearing held for license of Food Truck
- 6) 12/18/15 – Food Truck license suspended for 30 days/60 days probation
- 7) 12/19/15 – Food Truck closed for 30 days
- 8) 01/17/15 – Food Truck reopens on same county property
- 9) 02/06/15 – Owner of food truck calls in false police report on Sharon Eakins in retaliation

- 10) 3/23/15 – Abuse of a Family or Household Member feet from food truck/ Farm employee
- 11) 4/28/15 – Abuse of a Family or Household Member – owner of food truck throwing rocks at long time employee and her own vehicle feet from food truck with customers near.
- 12) May/2015 – Food Truck and Farmers Market in violation of having Neon and Neon Flashing light on truck and market for over one month.
- 13) 7/30/15 – Dept of Public Works stops owners of food truck from covering county right of way with gravel without permit
- 14) 7/31/15 – State Dept. of Health/Noise Control contacts owners of Food Truck/ Farm not to operate heavy equipment on County Right of Way spreading gravel between 6:30pm to 7pm.
- 15) 8/17/15 – TRO granted against Sharon Eakins for “Harassment.”
- 16) 8/19/15 – Threatening letter sent to landlords of Sharon Eakins.

If I were a gambler and I am not, then I would say that I was dealt a bad hand from the “House”, Maui County Government. I just live in the wrong house, near the wrong county right of way in the country. As Mr. Agsalog and Mr. Spence both reminded me, my house is just too close to the road on Lower Kula, which puts it too close to the right of way and the food truck. As well, they said I should be used to the traffic on Lower Kula. As, Director Agsalog has stated more than once in these chambers, “I do what my boss tells me to do and my boss is the mayor.” I feel that Director Agsalog’s ^{skills} ~~time~~ could be better ^{saved} ~~spent~~ taking care of more pressing County financial matters rather than running a food truck enterprise. Like for instance researching safe, high yield interest rates for Maui County and its retiree’s investments.

I, as many want this bill to be a good positive thing for all on Maui County. However, when you start taking the “country out of the country” and bringing Commercial/Retail business to the country, there will be changes. Change is inevitable and can be good or not.

Mahalo


August 7, 2015

To: Maui County Council

From: Shane Sinenci, Hana Resident

RE: EAR-7, Agriculture Bill

Aloha and Welina,

My name is Shane Sinenci and I am a long time resident of Hana. I apologize for not presenting this in person, but like many others, today is a work day for me.

I am writing to oppose Agricultural Bill EAR-7, and my comments reflect our unique situation here in Hana.

First of all, this bill does not do what it supposed to do which is to support agriculture in Hana. Instead, it promotes commercial business, retail shops and restaurants on agriculturally zoned lands.

The small community of Hana has worked hard to preserve agricultural zoning for farming and our commercial zones for retail. This bill undermines the democratic process that our local Planning Commission and Community Board have worked hard to preserve. We are currently working with Maui County and the Office of Hawaiian Affairs to establish a certified kitchen in the commercial areas so our entire community can benefit from it, not just a privileged few.

Secondly, this bill is blatantly irresponsible for the Hana Community. It is open to numerous interpretations and poorly written. Agriculturally zoned lands receive substantial tax credits and certain water rights for farming. This bill has no regulatory plans to support local farmers, and every tax break for commercial entrepreneurs seeking to increase their property values. It is evident that Maui County has a poor record when enforcing their zoning laws. The little agriculturally zoned lands in Hana are not suited for increased traffic, mainly from tourists and the increasing transient population. There are no public facilities like bathrooms, parking lots, nor traffic control lanes in our Ag park. There is rampant signage along the highway with no County regulations. This bill relinquishes the County's responsibility to its' public and promotes rampant and irresponsible development by private companies, not hard working farmers.

In closing, I am humbly asking the Maui County to do one of three things today; to either defer this bill, exempt the Hana Community pending more input, or deny this bill from passing.

Thank you for your time.

Shane Sinenci, Hana Resident

ar Robert Carroll,

July 28, 2015

, the undersigned Hāna, Maui residents are in dire opposition to the Proposed Bill, EAR-7, allowing Commercial Agricultural Structures in
: Agricultural District; and we request an exemption of this bill for the following reasons:

- a. This bill is in direct violation Maui County Agriculturally Zoned Codes and Regulations. We already have little agricultural park zones in Hana with strict designations for water uses and corresponding tax credits; and it discriminates against legal businesses.
- b. This bill is in direct violation of the Hana Community Plan, where stringent guidelines were created for agricultural, rural, commercial, and historical zoning to benefit our community in perpetuity.
- c. This bill is poorly written and irresponsible. It is being proposed by a privileged few without the consent of an entire community. It opens the door to rampant commercial building with no infrastructural planning including traffic zones, parking and public facilities. The Maui County has a poor track record when enforcing its' land zoning regulations, ie. Launiupoko.

Because of our rural location and critical environmental sensibilities, we are asking that Hana be exempt from this bill. Mahalo.

Name	Signature	Address
Wendy Frymire		P.O. Box Hana 96713
John John Helekahi		P.O. Box Hana 96713
BENJAMIN KE		PO BOX 970 HANA 96713
Jenny Na		PO. Box 772 Hana 96713
Jerri Darisay		PO Box 35 Hana 96713
Dannys Helekahi		PO. Box 35 Hana, HI 96713
KEONI DARISAY		Box 35 96713 HANA
Loverleen Hoopai-Feliciano		Box 946 Hana HI 96713
Blake Hoopai-Feliciano		Box 946 Hana HI 96713
Romaine Kauai Oliveira		P.O. Box 302 Hana, HI 96713
Alyson Butterfield		P.O. Box 32 Hana, HI 96713
Li Paumanu		P.O. Box 478 Hana, HI 96713
Patricia Malaiakini		PO Box 575 Hana 96713
Giovanna Lind		PO Box 951 Hana 96713
Greg Lind Jr		PO Box 951 Hana 96713
Beverly A. Victoria Dymet		PO Box 628 Hana 96713
Nahi Lay		P.O. BOX 444 Hana 96713

We Support Hana's Exemption
to Ag Bill EAR.-7.

Name	Address	Phone
Barbara Ann Benton	^{Barbara Ann Benton} P.O. Box 333 Hana	281-0125
KAMANA HELEKATI	HC 130 Hana Hwy 96713	Cell # 269-79
Kalikoonaamaa Zarate	Po Box 1054 Hana HI 96713	2482274
Timmy Satof	P.O. Box 268 Hana, HI 96713	248-858
Stacy Hand	P.O. Box 1014 Hana, HI 96713 2620 Hana Hwy.	248-7895
Patty Rycroft	PO Box 943 Hana, HI 96713 46023 Hana Hwy.	248-8428

" WE SUPPORT HANA'S EXEMPTION OF
AGRICULTURAL BILL, EAR-7. "

Name	Address	Ph #:
KIM KUHILANI	HC 134 HANA, HI	281-8523
Hidenk: GOTO	203 Hancoo	248 7412.
Margaret Macnigle	P.O. Box 692 Hana, HI 96713	808 268-908
Lynan Piyo		
Cheryl Merdara	PO BOX 444 Hana 96713	
Charmy Vida	P.O. Box 622 Hana, HI 96713	268-3052
LAMBERT CASTRO	P.O. Box 334 HANA HI 96713	264-7862
AND MEO ESEAS	HANA HAWAII 96713	264-9873
Davis Kabakauwila	conty 290 Waiyilani Rd	264 3315
Betty Lou Kala	P.O. Box 42 Hana HI 96713	
Erwin Helekeh.	HC 130 Koaali 96713	
Veralyn Latham	1108 Nakekua St Wai 96713	
Doris Dudley	P.O. Box 911 Hana 96713	
Esmenia P. Sinenci	892 96713	
Kamaitai Taiwi	POB 4500 Hana 96713	260-6620
Jill Kawaiaka	P.O. Box 202 Hana HI 96713	269-7896
Mina Kanana	P.O. Box 581 Hana, HI 96713	816-39
Nahiku Ko'oma-Williams	H.C. 108 L. Nahiku Haiku HI 96713	
Beverly A. Victorini Dymant	P.O. Box 628 Hana HI 96713	

WE SUPPORT HANA'S EXEMPTION
OF AGRICULTURAL BILL, EAR-7.

NAME:	ADDRESS:	PH#:
Christopher Helekahi	P.O. Box 614 Hana, HI 96713	808 446-1435

Katrina JAREWAY	P.O. Box 837 Hana, HI 96713	(281) 571
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~~Gina NOTESTONE~~
PO BOX 868
HANA

Gary KIRSEY (Papa Shrimp)
HC 13L Hana

Kalae Mandaio	510 Hea Pl. Naiuku 96790	(808) 707-4649
---------------	-----------------------------	----------------

Keoki Mandaio	632 Pumeana Naiuku 96793	(808) 870-0659
---------------	-----------------------------	----------------

Mokihana Ouma	510 Hea Pl Naiuku 96793	(808) 244-5584
---------------	----------------------------	----------------

" WE SUPPORT HAWAII'S EXEMPTION
OF AGRICULTURAL BILL EAR-7. "

Lloyd E Gouzen 560 Hea Pl (808) 244-5585
Wailuku 96793

Eana Kama 560 Hea Pl (808) 244-5585
Wailuku 96793

JDC Manaois 652 Pumehana St. (808) 242-6744
Wailuku 96793

Jana Sinenci PO Box 771 Hana (808) 269-5086

Leslee Knoles PO Box 924 Kihui 96713 808 283 5694

Jen Kushi 1296 Kawika Pl. Wailuku (808) 266-4746

Andrew Cosma 45 Box Hana 96713
Kauai 703 Box Hana 96713
34 Kauai St.

Kalei Hanamau Johnson Hana, Maui
96713

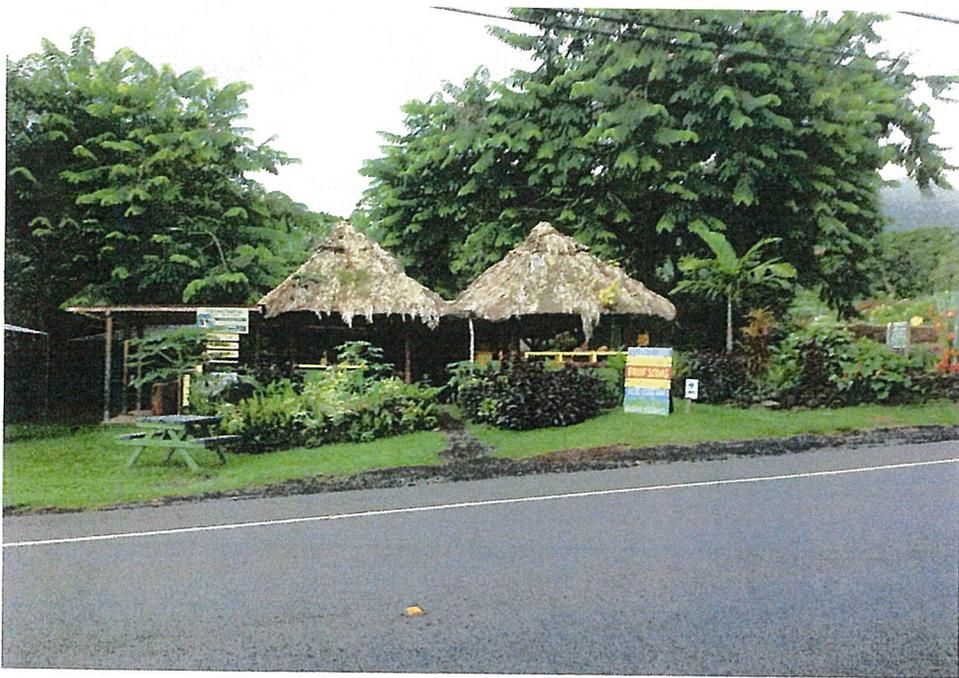
Michael Zarate Houseless

Angela Tavares Waiuku

Don Atay









September 4th, 2015

Aloha Honorable Chair White,

The Coalition for a Tobacco-Free Hawaii strongly supports item no 15-117 relating to Smoke Free Bus Stops. The Coalition for a Tobacco Free Hawaii (Coalition) is an independent organization in Hawai'i who works to reduce tobacco use through education, policy and advocacy. Our organization is a nonprofit organization with over 100 member organizations and 2,000 advocates that work to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

The dangers of smoking and secondhand smoke are well-known. The U.S. Surgeon General, in 2010, notes that any level of exposure to secondhand smoke is dangerous and can be harmful. Bus stops often attract large numbers of people, and commuters have limited opportunities to avoid secondhand smoke in these areas. Many families, elderly people, and people with disabilities use the Maui Bus for their regular transportation, putting them at risk of exposure to secondhand smoke. Children are particularly vulnerable to the effects of secondhand smoke; their bodies are still developing, and exposure can cause asthma, respiratory infections and other health problems.¹

Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces.² We also strongly support the inclusion of Electronic Smoking Devices in this bill to further protect the community from secondhand aerosol (vapor).

The Coalition strongly supports this effort in order to protect the health of all people in public spaces. We look forward to working with our city and state governmental agencies, including the Maui Bus, the Department of Health, the Maui Police Department, and any other stakeholders, to ensure a successful implementation of this new policy.

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Sonya Niess", is written over a light grey rectangular stamp.

Sonya Niess, MPH
Maui County Coordinator
Coalition for a Tobacco-Free Hawaii

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2015 SEP -3 PM 2: 57
OFFICE OF THE
COUNTY CLERK

¹ United States Environmental Protection Agency. "Health Effects of Exposure to Secondhand Smoke." Accessed from <http://www.epa.gov/smokefre/healtheffects.html> on May 9, 2013.

² Global Smokefree Partnership. (2009). "The Trend Toward Smokefree Outdoor Areas." Accessed from <http://www.globalsmokefree.com/gsp/resources/recurso.php?id=225> on May 6, 2013.

EAR 7 Bill 60

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



William Greenleaf <bgreenleaf.maui@yahoo.com>

mark as unread

Tue 9/1/2015 1:03 PM

To: County Clerk;

Aloha EAR Committee..

As a local farmer, I am strongly in support of EAR 7, Bill 60. This bill solves problems that farmers have marketing their fresh food products, their value added products and associated farm products. EAR 7, Bill 60 is a positive for local agriculture and will help farmers to grow their business, benefiting all of Maui's citizens and visitors.

Sincerely,
Bill Greenleaf
Greenleaf Farm
Board Member Haleakala Chapter of HFUU

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2015 SEP -1 PM 3:29
OFFICE OF THE
COUNTY CLERK

County Clerk

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Thursday, September 03, 2015 4:09 PM
To: County Clerk
Subject: Industrial Hemp

Aloha Council:

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

Hemp can become an industry in Hawaii. In Canada, hemp is a \$4Billion dollar industry on 50,000 acres of land. That is a lot of jobs and income for Hawaii/Maui County.

*Bill Greenleaf
Greenleaf Farm*

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2015 SEP -3 PM 4: 12

OFFICE OF THE
COUNTY CLERK

Re: Bill # 60 (Formerly EAR-7/EAR-13)

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Lars Lind <olindaorganicfarm@hawaiiintel.net>

mark as unread

Sat 8/29/2015 9:51 PM

To: County Clerk;

Bing Maps

Action Items

+ Get more apps

> On Aug 29, 2015, at 1:19 PM, Lars Lind <olindaorganicfarm@hawaiiintel.net> wrote:

>

> Aloha Maui County Council Members,

>

> My husband and I own a small coffee farm in Upcountry Maui. We urge you to pass Bill #60, the Farm Stand Bill. This bill would allow us, as small farmers, to sell our coffee and produce from our farm without obtaining a Special Use permit, provided the Health Department guidelines are followed. Maui County needs to support small farmers, not restrict and hinder them. Please pass this Bill #60 and support Maui County farmers!

>

> Mahalo,

>

> Martha & Rob Lind

> Olinda Organic Farm

>

> 39 Naniuka Place

> Makawao, HI 96768

> (808) 572-8306

> olindaorganicfarm@hawaiiintel.net

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2015 SEP -1 PM 3:29
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COUNTY CLERK

County Clerk

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From: Serenity Chambers <SChambers@lanaicommunityhealthcenter.org>
Sent: Thursday, September 03, 2015 12:02 PM
To: County Clerk
Subject: SUPPORT for Smoke Free Bus Stops

2015 SEP -3 PM 12: 36

OFFICE OF THE
COUNTY CLERK

Honorable Chair,
Please accept this testimony in Support of smoke free Bus Stops for all of Maui County, item number 15-117.

The dangers of smoking and secondhand smoke are well-known. The U.S. Surgeon General, in 2010, notes that any level of exposure to secondhand smoke is dangerous and can be harmful. Bus stops often attract large numbers of people, and commuters have limited opportunities to avoid secondhand smoke in these areas. Many families, elderly people, and people with disabilities use the Maui Bus for their regular transportation, putting them at risk of exposure to secondhand smoke. Children are particularly vulnerable to the effects of secondhand smoke; their bodies are still developing, and exposure can cause asthma, respiratory infections and other health problems.^[1]

Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces. Secondhand vapor from electronic smoking devices is also an important health concern and bus users should not be subject to air pollution while waiting for the bus.

Please pass this important policy to help protect the community members of Maui County.

Mahalo,

Serenity Chambers, Ph.D.
Licensed Psychologist
Lanai Community Health Center

^[1] United States Environmental Protection Agency. "Health Effects of Exposure to Secondhand Smoke." Accessed from <http://www.epa.gov/smokefre/healtheffects.html> on May 9, 2013.

^[1] Global Smokefree Partnership. (2009). "The Trend Toward Smokefree Outdoor Areas." Accessed from <http://www.globalsmokefree.com/gsp/resources/recurso.php?id=225> on May 6, 2013.

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County Clerk

RECEIVED

From: Anna Mayeda <anna.mayeda@cancer.org>
Sent: Thursday, September 03, 2015 12:20 PM
To: County Clerk
Subject: Support of SmokeFree Bus Stops #15-117

2015 SEP -3 PM 12: 36

OFFICE OF THE
COUNTY CLERK

Honorable Chair,
Please accept this testimony in Support of smoke free Bus Stops for all of Maui County, item number 15-117.

The dangers of smoking and secondhand smoke are well-known. The U.S. Surgeon General, in 2010, notes that any level of exposure to secondhand smoke is dangerous and can be harmful. Bus stops often attract large numbers of people, and commuters have limited opportunities to avoid secondhand smoke in these areas. Many families, elderly people, and people with disabilities use the Maui Bus for their regular transportation, putting them at risk of exposure to secondhand smoke. Children are particularly vulnerable to the effects of secondhand smoke; their bodies are still developing, and exposure can cause asthma, respiratory infections and other health problems.^[1]

Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces. Secondhand vapor from electronic smoking devices is also an important health concern and bus users should not be subject to air pollution while waiting for the bus.

Please pass this important policy to help protect the community members of Maui County.

Mahalo,

Anna Mayeda

Anna Mayeda | Senior Market Manager, Community Engagement
American Cancer Society, Inc.
Cameron Center 95 Mahalani Street #27
Wailuku, HI 96793
Phone: 808.244.5554
cancer.org | 1.800.227.2345

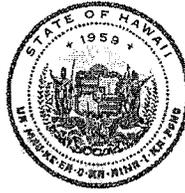
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^[1] United States Environmental Protection Agency. "Health Effects of Exposure to Secondhand Smoke." Accessed from <http://www.epa.gov/smokefre/healtheffects.html> on May 9, 2013.

SENATOR MIKE GABBARD

20TH DISTRICT

KAPOLEI, MAKAKILO,
AND PORTIONS OF EWA, KALAELOA
& WAIPAHAU



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

CHAIRMAN
WATER, LAND & AGRICULTURE

VICE CHAIR
TRANSPORTATION & ENERGY

MEMBER
JUDICIARY & LABOR
HIGHER EDUCATION & THE ARTS

**TESTIMONY TO THE
COUNCIL OF THE COUNTY OF MAUI
COUNCIL CHAIR MIKE WHITE
From
MIKE GABBARD
State Senator – District #20
September 4, 2015**

RECEIVED
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RE: Testimony in Support of Resolution 15-116

Aloha. I'm writing in strong support of Resolution 15-116 "Urging Congress to pass the Industrial Hemp Farm Act of 2015." I was recently appointed as Chair of the State Senate's Water, Land, and Agriculture Committee. One of my priorities as Chair is to focus on policies and programs that support local food production. Hemp is a perfect fit for our islands because it's a nutritious food and can be used in 25,000 products.

It doesn't make sense that our country is importing \$620 million in hemp products each year, when we could grow the hemp in our islands. During the past few years, I've been introducing legislation to help spur this effort. In 2014, SB 2175, a bill I championed, became law as Act 56 and authorized the Dean of the UH College of Tropical Agriculture and Human Resources to establish a two-year hemp remediation and biofuel research project. The pilot involved the planting of hemp seeds on a quarter acre of land at the UH Agricultural Extension in Waimanalo on O'ahu. On July 23, 2015, I participated in the harvesting of the first crop of hemp and was amazed to see that the plants had grown to over 10 feet in 15 weeks. This past session, I also authored SB 375 to authorize registered growers of industrial hemp under the Farm Bill for research purposes and pilot programs. Unfortunately, this bill didn't make it across the finish line in 2015, but will definitely be a focus in 2016.

The ultimate answer for the production of hemp in our islands is at the federal level and that's why it's so important that HR 525/SR 134, the Industrial Hemp Farming Act of 2015, be passed into law. My daughter, Congresswoman Tulsi Gabbard, is a co-sponsor of HR 525 and is a big supporter of this common sense legislation.

I'm hopeful that you'll pass Resolution 15-116 and that you'll also support our efforts at the State Legislature in 2016. Mahalo for considering these points in your deliberations.

From: Martin Vasey <mvasey@wireworkswest.com>
Sent: Thursday, September 03, 2015 3:04 PM
To: County Clerk
Subject: AG Bill (A bill for an ordinance amending Title 19, ...)

2015 SEP -3 PM 3: 23

OFFICE OF THE
COUNTY CLERK

Aloha-

I would like to submit the following for testimony for tomorrows Maui Council Meeting, September 4, 2015 for the Ag Bill that is last on the agenda and titled "BILL NO. 60 (2015)".

Mahalo

Aloha Council Members and thank you for your time today in reading my testimony. My name is Martin Vasey and I am the owner of Hana Farms, a small 7-acre farm in East Maui where we grow a large variety of fruit and vegetables and have a roadside stand where we sell our produce as well as value-added products like Banana Bread, jams and jellies, and hot sauces. I came out from Hana for the last Council Meeting where this Ag Bill was voted on and I want to thank each of you for voting for this important bill that will enable more farmers to make a living doing Ag on Ag lands.

Today I want to talk just a bit about the financial realities that small farmers face when trying to make a living on Ag lands, and why it is that today our system is broken and does not encourage, or create an environment where small time agriculture is a viable way to make a living. Currently our largest Ag crop in East Maui is vacation rentals. And even though I do see additional jobs being created from allowing vacation rentals, and I do think that vacation rentals will play a key role in increasing Ag tourism, I would like to see more of the Ag economy be Ag and Ag products. I think this Ag Bill is a good first step in trying to correct some of the problems that currently exist in Ag being a viable way to make a living on small farms.

I'm not sure everyone understands how difficult it is to make a living on Ag lands. Let's look at some numbers. There are many types of crops one could grow, but let's look at a couple crops people grow in East Maui. Commercial Banana Production averages 11 Tons/Hectare, or about 62,300 pounds on my 7-acre farm, if I were able to plant the entire 7-acres fully in Bananas just as dense as the big commercial famers do. Using the average wholesale rate for Bananas, that would result in a \$25,000 gross income for the year. That won't pay most mortgages, let alone utilities, or food on the table. And surely wouldn't allow for the hiring of farm workers. The numbers for Papaya work out to around \$25K - \$40K depending on how densely planted and disease free the crops are. This low gross income is one of the main reasons why Agriculture is not viable as a way of making a living on small farms, unless one is lucky enough to have inherited the farm and have no mortgage, or just need a little supplemental because they have another income source.

I can tell you first hand that when we started our farm and sold fruit and flowers by the roadside, it did not come close to paying the mortgage or putting food on the table, and it surely didn't allow me to hire any local farm workers or to provide additional income for my community. I had to use "Work Trade" labor because the income from wholesale fruit production on a small farm doesn't provide the income necessary.

After a few years we expanded into doing "Value-added" Ag products, like Banana Bread, Jams and Jellies, Hot Sauces, etc. That made a world of difference. Now after several years of doing that I have provided jobs for 5 local residents and have become much less reliant on Work-Traders. Last year I also paid out \$200,000 to my neighbors and Hana residents for their fruit and ag products that I use in our products, or sell at our fruit stand. The \$200,000 went to around 40 local residents and I can tell you that that additional money made a real

difference to many of them. And one of the side effects of this Ag Bill is that it will increase the price of local Ag products. I buy Macnuts from Hank down the street, and I pay him \$12/lb instead of \$9/lb at Costco (also Hawaiian Mac Nuts) because I want to support local. Because there aren't many Maui sources for Mac Nuts, Hanks are going to become a hot commodity and will surely result in an increase in prices.

I just wanted to mention the math of wholesale fruit selling and my personal experience of doing Value Added Ag products to point out that small farms cannot be expected to be viable if they are limited to just selling wholesale fruit, and not be allowed to do more. Agriculture will continue to die among small farms and continue to be dominated and controlled by large corporate farms if we don't encourage and help small farms more. We need better food security and we need to grow more of our own food here on Maui.

Most of the criticism of this Bill I've heard in East Maui is from non-farmers who don't live on Ag land, and they want to limit Ag to just having a small open air "honor system" roadside stand, at most, and usually say they don't want anything more, because that is what they grew up seeing. That is all they know and they are afraid of change. I think many in East Maui are confused and think that "Ag" is the same as "Residential", because that has been their experience. But "Ag" is by definition commercial in that it's supposed to be about growing and selling Ag and Ag products. I am confident that farmers in East Maui are not going to rush to build Long's Drug stores on Ag land, as some have claimed, and I am confident that the farmers utilizing the opportunities created by this bill will do it in a way that not only grows agricultural self-sufficiency and creates jobs, but also "Keeps it Hana".

I know many farmers in East Maui who want to help create an Ag renaissance if allowed to do more than just wholesale sales. In my little neighborhood there are Cacao farms finally harvesting and developing chocolate products, and quite a bit of Tea has also gone in. I have a neighbor that would like to build a tea house for tourists on his tea farm, when allowed. I think these things are good things for Hana and will create jobs. I think this bill will help create an environment that will make Ag into a viable way to make a living. And I also believe this bill will create many new jobs in our area where jobs are currently scarce.

I urge the council to vote yes and approve this Ag Bill.

Mahalo for your time,

Martin Vasey

Hana Farms

2910 Hana Highway

Hana, HI 96713

808-248-7553

RECEIVED

2015 SEP -3 PM 4: 07

OFFICE OF THE
COUNTY CLERK

September 3, 2015

Testimony in Strong Support of
Item 15-116 on the Council Agenda (9/4/15)

URGING CONGRESS TO PASS THE
INDUSTRIAL HEMP FARMING ACT OF 2015

by Hawai'i State Representative Cynthia Thielen
50th District (Kailua, Kaneohe Bay)

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Tuesday, August 18, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

I have served in the Hawaii House of Representatives for 25 years, and am Ranking Member on the Judiciary Committee, where we considered and passed legislation to establish Hawaii's industrial hemp research project. This two year project is underway in Waimanalo, Hawaii, led by Principal Investigator Dr. Harry Ako, University of Hawaii Professor Emeritus.

Due to the fact that industrial hemp is listed as a Schedule 1 drug, Dr. Ako's project was delayed by 8 months as he worked to bring in non-hallucinogenic hemp seed from Australia. The federal Drug Enforcement Agency (DEA) was either non-responsive or placed obstacles to the seed importation causing this lengthy delay.

Industrial hemp provides immense opportunity for agricultural companies, labor and construction, and small businesses in our Islands. Among the 25,000 uses/products is hempcrete, a building material made from hemp, lime and water. Hempcrete is termite proof, fire-retardant and acoustically superior to other building materials. The first hempcrete home in Hawaii was constructed on Maui this year.

Hemp cannot be widely farmed at this point, as it still is listed as a drug under the Controlled Substances Act (CSA). Congress is considering legislation to remove this crop from the CSA, which will allow the plant to become a mainstream crop in our Islands. By passing this Resolution, the Maui County Council will add a powerful voice in support of industrial hemp farming.

County Clerk

From: sylvia@kolealea.com
Sent: Thursday, September 03, 2015 4:09 PM
To: County Clerk
Subject: EAR 7 Bill 60

Aloha EAR Committee..

I am a local farmer and am a strong supporter of EAR 7, Bill 60. We are in need of solutions to resolve issues and problems with bringing our food products to market, and all associated farm products. EAR 7, Bill 60 will help the farmers to maintain and grow their/our business, and this is a step forward that will benefit all of Maui as well as the visitors. Thank you for supporting.

Sylvia Cenzano
Kolealea Agricultural Center
Malamalama Farm and Center

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2015 SEP -3 PM 4: 12
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Joy Nelson <joy7maui@gmail.com>
Sent: Thursday, September 03, 2015 4:16 PM
To: County Clerk
Subject: Hemp Farming Act

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

*It's time to make this plant available to all farmers in Hawaii and on the mainland!
Mahalo*

Your name, Joy Nelson

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COUNTY CLERK

County Clerk

From: Stacy Vosberg <nelliesrentals@gmail.com>
Sent: Thursday, September 03, 2015 4:15 PM
To: County Clerk
Subject: Hemp bill

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

It's time to make this plant available to all farmers!

Mahalo

Stacy Vosberg

--
Stacy Vosberg
Operations Manager
Nellies Rentals

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COUNTY CLERK

County Clerk

From: PFierroRob@aol.com
Sent: Thursday, September 03, 2015 4:45 PM
To: County Clerk
Subject: Written Testimony Hemp Resolution

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

Reference: Committee Report no. 15-116

Phyllis Robinson, Ed.D
President, Haleakala Chapter
Hawaii Farmers Union United

So long as one feeds on food from unhealthy soil, the spirit will lack the stamina to free itself from the prison of the body.
Rudolf Steiner



Owner, Courageous Crossings

Cultivating one's inner emotional climate in business and in organizations for mastery in work relationships, teams, customer service, and leadership.

For free workplace needs assessment:
pfierroRob@aol.com
(808) 647-4066

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COUNTY CLERK

Suppor Hemp

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Susan Douglas <sd3@hawaii.rr.com>

Fri 9/4/2015 7:02 AM

mark as unread

To: County Clerk;

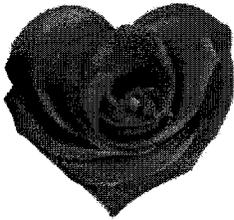
Bing Maps

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As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Warmest Mahalo and Aloha!

Susan Douglas
Healthy Life Coach
Temple of the Spirit
3145-A Makamae Pl.
Kihei, Maui, HI 96753
808 879 1112 (24/7)
[sd3@hawaii.rr.com]sd3@hawaii.rr.com



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testimony regarding the Industrial Hemp Farming Act

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



helga fiederer <helgaonmaui@yahoo.com>

Thu 9/3/2015 10:18 PM

mark as unread

To: County Clerk;

Bing Maps

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Aloha

I am a long time resident of Maui County and would like to make a testimony. I am in strong support of the Resolution being considered by the Maui County Council, on Friday Sept 4, 2015, "Urging Congress to pass the Industrial Hemp Farming Act of 2015". My father grew up in a town of 5000 people with three hemp factories where cloth and rope etc was produced. It is time to make this incredibly useful plant again available to our Farmers!

Thank you,
Helga Fiederer
P.O. box 790761
Paia, HI 96779

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2015 SEP -4 AM 7: 27
OFFICE OF THE
COUNTY CLERK

Industrial Hemp

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



chris kinsel <chriskinsel10@gmail.com>
Fri 9/4/2015 6:55 AM

mark as unread

To: County Clerk;

Aloha,

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo

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COUNTY CLERK

Testimony in Support of Hemp Bill

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Raphiell Nolin <raphiell@gmail.com>

Thu 9/3/2015 10:49 PM

mark as unread

To: County Clerk;

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Action Items

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Dear Council members,

I am fully in support of facilitating the growing of industrial hemp on Maui.

Maui farmers are in need of al alternative to growing and burning sugar cane and industrial hemp could very well be the answer.

We could remediate our soils, grow nutritious food, and create all kinds of jobs making building materials (hempcrete),paper, plastics, cloth, fuel and medicines.

Please pass a resolution, allowing Maui farmers to obtain seed and plant test crops.

Mahalo,

Raphiell Nolin

284 Elilani St.

Pukalani, Hi, 96768

(808)264-1144

RECEIVED
2015 SEP -4 AM 7:27
OFFICE OF THE
COUNTY CLERK

Maui County Hemp Resolution

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



tampaltin@gmail.com

Fri 9/4/2015 4:10 AM

mark as unread

To: County Clerk;

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Aloha Councilmembers,

As a voting citizen of Maui County I strongly urge the council to support the resolution "Urging congress to pass the industrial hemp farming act of 2015." This plant is not a drug and has the potential to be beneficial to Maui County in so many ways. There is virtually no downside to giving everyone the ability to grow this plant. During times of war when America was still a young country farmers were asked to grow hemp as part of their patriotic duty for the many products that could be made from this plant. There is no other substance that has been made illegal for so long without reason. It's time to critically think about the potential economic repercussions of continuing to outlaw this plant.

Mahalo

Tamara Paltin

110 Pualu Pl

Lahaina, HI 96761

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2015 SEP -4 AM 7: 27
OFFICE OF THE
COUNTY CLERK

hemp resolution

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ⋮



Earl Bialeck <mauibeachbum75@gmail.com>

Thu 9/3/2015 8:17 PM

mark as unread

To: County Clerk;

Dear County Clerk,

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept. 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo,
Earl Bialeck

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2015 SEP -4 AM 7: 28
OFFICE OF THE
COUNTY CLERK

Industrial Hemp Farming Act

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Theresa Cordi <thecordis@gmail.com>

Thu 9/3/2015 9:04 PM

mark as unread

To: County Clerk;

To Whom it May Concern:

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers! Also time to make our island move forward and grow something that will help our environment, keep island beautiful for us and visitors, and there are many profit possibilities.

Mahalo
Theresa Cordi
Sent from my iPhone

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2015 SEP -4 AM 7: 28
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COUNTY CLERK

Industrial Hemp Resolution to be adopted by fellow Maui Council Members

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



ana.grodan@gmail.com

Thu 9/3/2015 9:24 PM

mark as unread

To: County Clerk;

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo

Ana Grodan

Sent from my iPhone

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2015 SEP -4 AM 7: 28
OFFICE OF THE
COUNTY CLERK

Industrial Hemp Farming Act of 2015

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Tim Sean Hills <sean.hills53@gmail.com>
Thu 9/3/2015 9:04 PM

mark as unread

To: County Clerk;

To Whom it may concern:

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being

considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp

Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo

Timothy Sean Payne Hills

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2015 SEP -4 AM 7: 28
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COUNTY CLERK

MAUI CATTLEMEN'S ASSOCIATION

TESTIMONY

Council of the County of Maui,
Chair Mike White
Vice Chair Don Guzman

Friday September 4, 2015
9:00 a.m.
Council Chamber, 8th Floor
200 South High Street, Wailuku, Hawaii

RECEIVED

2015 SEP -4 AM 7: 28

OFFICE OF THE
COUNTY CLERK

SUBJECT: Bill No. 60 (2015) "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ALLOW COMMERCIAL AGRICULTUREAL STRUCTURES IN THE AGICULTURAL DISTRICT.

Good morning Maui County Council Members, I am William Jacintho, President of the Maui Cattlemen's Association. Thank you for the opportunity to testify on Bill No. 60.

It's been a long road on this bill, and many of you as well as ag producers have put in many hours into getting language into a bill that supports Agriculture. I thank the Council Members in the EAR Committee, for working with the Agriculture Community and listening to our past testimonies of concerns, and carefully discussing them, and really taking them into consideration. It has been time well spent, and we SUPPORT the bill as written.

Although ranchers may not be directly considered farmers of produce that would be sold at Roadside Stands, there are ranchers who own property that are leased to various agriculture producers, who are interested or are presently involved in selling their produce at their Roadside Stand. Bill No. 60 will benefit Ag Producers, Land Owners and various County Departments, and as we've said before, we are supportive of positive actions that assist with moving Agriculture forward.

The Maui Cattlemen's Association is a non-profit organization representing small and large livestock producers in Maui County. You may reach the Maui Cattlemen's Association through the address provided above.

Sincerely,

William Jacintho, President

**Maui Cattlemen's
Association**

PO Box 473

Kula, HI 96790

**Board of Directors
and Officers**

**Brendan
Balthazar**

Harry Cambra

Robert Ferreira

Alex Franco

Greg Friel

Jimmy Gomes

William G. Jacintho

Kristin Mack

Ken Miranda

Ann Prouty

Jacob Tavares

**Sustaining
ranching
communities in
Hawaii**

Please Support the Maui County Hemp Resolution

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Lars Lind <mauimmartha@hawaiiantel.net>

Thu 9/3/2015 8:52 PM

mark as unread

To: County Clerk;

Bing Maps

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Aloha Council Members,

We are residents of Maui County, We urge you to support the Resolution being considered on Friday, September 4th, 2015, urging Congress to pass the Industrial Hemp Farming Act of 2015. Hemp has the potential to save our Hawaii agricultural lands from development, and will provide many jobs and self-sufficiency for our island and the State of Hawaii. All parts of the hemp plant can be used for something, it uses 1/3 the amount of water that sugar cane uses, and it can also remediate the soil.

Please support the Maui County Hemp Resolution!

Mahalo,

Martha, Lars, and Jeff Lind
39 Naniuka Place
Makawao, HI 96768
(808) 572-8306

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Testimony Bill 60 Council meeting Sept. 4, 2015

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Sydney Smith <malikoestate@hawaii.rr.com>

Thu 9/3/2015 7:15 PM

mark as unread

To: County Clerk; Kathy L. Kaohu;

Bing Maps

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Good afternoon Councilmembers,

My name is Sydney Smith. I'm the president of the Maui Coffee Association and also own Maliko Estate Coffee, a coffee farm in Makawao.

I'm testifying today regarding Bill 60 formerly EAR-7. I'm unable to appear in person today due to a prior commitment.

Most of you know me. I come here and testify on behalf of the many coffee farmers, roasters and store owners who belong to the Maui Coffee Association. Our numbers have grown over the years, and counting family members and employees, I'm speaking for over 500 people when I testify. They elected me to speak for them. All of my growers and roasters support this measure which would allow us to sell and serve our own, as well as each other's coffee at farm stands we could build on our farms. This supports our sustainability as farmers and offers a great experience to our residents and visitors.

We strongly support this bill!

Sydney Smith
President, Maui Coffee Association
P. O. Box 1089
Kula, Maui, HI 96790

Sydney Smith
Maliko Estate Coffee

808-268-3646 (call or text)
808-572-0072 (farm)

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COUNTY CLERK

hemp

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Alicia Sullivan <momsmasters@icloud.com>

Thu 9/3/2015 9:13 PM

mark as unread

To: County Clerk;

To Whom it May Concern:

As a resident of Maui County I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, September 4, 2015, "urging Congress to pass the Industrial Hemp Farming Act of 2015." It is time to make this plant available to our farmers!

Mahalo
Alicia Sullivan,
Owner Maui Rose Soaps
808 575 2981

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2015 SEP -4 AM 7: 28
OFFICE OF THE
COUNTY CLERK

Industrial Hemp

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



dotti branch <dottibranch@hotmail.com>
Thu 9/3/2015 5:04 PM

mark as unread

To: County Clerk;

Dear County Council:

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo,
Dorothy Branch
Registered Voter and Taxpayer since 2001

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2015 SEP -4 AM 7:29
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COUNTY CLERK

Cultivation of Industrial Hemp

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Michael Dawson <michaeljd.maui@gmail.com>

mark as unread

Thu 9/3/2015 5:24 PM

To: County Clerk;

I write in wholehearted support of the removal of Hemp from all controlled substances legislation and I urge Maui County to support the U.S. Congress in passing the Hemp Farming Act of 2015.

Michael Dawson
Kula
Maui.

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2015 SEP -4 AM 7: 29
OFFICE OF THE
COUNTY CLERK

Please pass the Industrial Hemp Farming Act of 2015

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



julie evans <itsjewlie@yahoo.com>
Thu 9/3/2015 5:16 PM

mark as unread

To: County Clerk;

Action Items

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As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Aloha,
Julie Evans

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COUNTY CLERK

support testimony

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Paul Fenelon <7maui5@gmail.com>

Thu 9/3/2015 6:04 PM

mark as unread

To: County Clerk;

Aloha,

As a resident of Maui county I am submitting this testimony in very strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015" .H.R. 525 and US Senate's Bill S. 134. It's time to make this plant available to all farmers! Committee Report no. 15-116.

Mahalo,

Paul Fenelon

Kihei, Hi. 96753

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COUNTY CLERK

Hemp Bill

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Michael Gagne <mpcgagne@hawaiiantel.net>
Thu 9/3/2015 5:56 PM

mark as unread

To: County Clerk;

As a Maui resident I am asking for approval of the Hemp Bill that is before the Maui County Council on September 4, 2015.

Sent from my mobile device.

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2015 SEP -4 AM 7: 29
OFFICE OF THE
COUNTY CLERK

Pass the Industrial Hemp Farming Act of 2015

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Judy Grodan <judygrodan@gmail.com>

Thu 9/3/2015 6:43 PM

mark as unread

To: County Clerk;

As a resident of Maui county I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". It's time to make this plant available to all farmers!

Mahalo, Judy Jarvie

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COUNTY CLERK

Committee Report #15-116

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Chandrika <mauichandrika@gmail.com>

Thu 9/3/2015 6:08 PM

mark as unread

To: County Clerk;

Dear Councilmembers;

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

Reclassifying industrial hemp will be a boon to Maui farmers, help purify and revitalize soil, and provide food, clothing and construction materials. This will be a step towards a healthier and more self sufficient Maui.

Warmest Aloha,
Chandrika McLaughlin

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2015 SEP -4 AM 7: 29
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COUNTY CLERK

Fwd: Final Testimony needed please for Hemp Resolution Hearing Sept 4

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



dikshahawaii@gmail.com on behalf of Chris Mentzel <c@me> mark as unread
Thu 9/3/2015 5:14 PM

To: County Clerk;

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

It's time to make this plant available to all farmers!

Mahalo

Chris Mentzel

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COUNTY CLERK

Hemp Resolution

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Ray Slayton <rayslayton@gmail.com>

Thu 9/3/2015 5:12 PM

mark as unread

To: County Clerk;

Bing Maps

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Dear County Members:

I am submitting this testimony in vigorous support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015, "Urging Congress to Pass the Industrial Hemp Farming Act of 2015".

It's time to make this plant available to all farmers!

Mahalo

*Raymond Slayton
122 Ainakula Road
Kula, HI 96790*

Sent from my iPhone

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OFFICE OF THE
COUNTY CLERK

Industrial Hemp

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ...



Roxana Smith <rox1004@aol.com>

Thu 9/3/2015 6:53 PM

mark as unread

To: County Clerk;

As a long time resident of Maui County I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, September 4, 2015 urging Congress to pass the Industrial Hemp Farming Act of 2015. It's time to make this plant available to all farmers!

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OFFICE OF THE
COUNTY CLERK

Honorable Chair,
Please accept this testimony in Support of smoke free Bus Stops for all of Maui County, item number 15-117.

The dangers of smoking and secondhand smoke are well-known. The U.S. Surgeon General, in 2010, notes that any level of exposure to secondhand smoke is dangerous and can be harmful. Bus stops often attract large numbers of people, and commuters have limited opportunities to avoid secondhand smoke in these areas. Many families, elderly people, and people with disabilities use the Maui Bus for their regular transportation, putting them at risk of exposure to secondhand smoke. Children are particularly vulnerable to the effects of secondhand smoke; their bodies are still developing, and exposure can cause asthma, respiratory infections and other health problems.^[1]

Growing scientific evidence shows that secondhand smoke has a harmful effect on air quality in some outdoor settings. Studies have shown that when people are in close proximity to each other, the levels of exposure to secondhand smoke can be comparable to secondhand smoke levels measured within enclosed spaces. Secondhand vapor from electronic smoking devices is also an important health concern and bus users should not be subject to air pollution while waiting for the bus.

Please pass this important policy to help protect the community members of Maui County.

Mahalo,
Helen Barrow, TTS

Concerned Citizen

^[1] United States Environmental Protection Agency. "Health Effects of Exposure to Secondhand Smoke." Accessed from <http://www.epa.gov/smokefre/healtheffects.html> on May 9, 2013.

^[1] Global Smokefree Partnership. (2009). "The Trend Toward Smokefree Outdoor Areas." Accessed from <http://www.globalsmokefree.com/gsp/resources/recurso.php?id=225> on May 6, 2013.

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Industrial Hemp Resolution

X DELETE ← REPLY ←← REPLY ALL → FORWARD ...



Zach Franks <zfranks@aol.com>
Thu 9/3/2015 5:08 PM

mark as unread

To: County Clerk;

I am writing in support of Councilman Guzman's Industrial Hemp Resolution. It's time that we found a crop that could be more healthful for our people and our economy, and less harmful to our environment than sugar.

Zachary Franks
875 Kumulani Drive
Kihei

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Testimony in Support of Hemp Resolution 9/4/15



denise key <ihemphi@live.com>
Thu 9/3/2015 10:18 PM

To: County Clerk
Action Items

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2015 SEP -4 AM 7: 36

OFFICE OF THE COUNTY CLERK

Sept 4, 2015
Testimony in Strong Support of
item 15-116
on the Council Agenda (9/4/15)
URGING CONGRESS TO PASS THE
INDUSTRIAL HEMP FARMING ACT OF 2015

Aloha Respected County Council Members,

I am submitting this testimony **strongly supporting** the resolution being considered by Maui County Council on Friday, Sept 4, 2015, urging congress to pass the Industrial Hemp Farming Act of 2015.

As the Educational Director of Industrial Hemp Hawaii, I have spent the last 3 years educating the public on the difference between industrial hemp and marijuana. I am pleased to say that even the Hawaii Police Department now know the difference between industrial hemp and marijuana and had no objection to last session's industrial hemp bill that was presented for legislation.

There is a correction needed on page 2 of the Committee's findings.

It reads:

Your Committee further notes industrial hemp is produced from **the same plant as marijuana**, Cannabis sativa L.,

Industrial Hemp and Marijuana are **not** from the same plant,

They are from the same plant **family or species**, cousins, but a different cultivar which is why industrial hemp needs to be removed from the narcotics list. You may consider the difference between opium and the poppy seeds we eat on a muffin

or mushrooms we eat on our salads verse psychedelic mushrooms.

Marijuana has a THC level that is more than 1% and can get you high.

You would have to smoke a joint the size of a telephone of industrial hemp for any "high" effect and even then you would probably just have a headache.

To date 27 states have now passed some form of legislation that legalizes the growing of industrial hemp, yet the DEA has made getting the seed a real challenge! It took Dr. Ako, who is overseeing Hawaii's hemp pilot program for the University of Hawaii, 10 months of "red tape" before getting the seeds to plant and start the research.

The industrial hemp plant needs to be removed from the narcotics list for our farmers to be able to develop this crop and industry. Industrial hemp cannot get you high but it can create many economical opportunities (jobs and new businesses) for our state... and country.

Mahalo for supporting congress in *passing* the Industrial Hemp Farming Act of 2015.

Respectfully

Denise Key
810 287 9253
Industrial Hemp Hawaii
www.ihempHI.com

Kihei, Maui, HI

Dedicated to legalization, education, development, and expansion of industrial hemp.



Ashoka

We write about finding entrepreneurial solutions to the world's problems.

Opinions expressed by Forbes Contributors are their own.

ENTREPRENEURS 5/29/2013 @ 2:54PM | 41,570 views

Industrial Hemp: A Win-Win For The Economy And The Environment



Logan Yonavjak , Contributor

Logan Yonavjak ([@Loganyon](#)) makes a case for allowing farmers in the United States to grow hemp.

Industrial hemp was once a dominant crop on the American landscape. This hardy and renewable resource (one of the earliest domesticated plants known, with roots dating back to the Neolithic Age in China) was refined for various industrial applications, including paper, textiles, and cordage.

Over time, the use of industrial hemp has evolved into an even greater variety of products, including health foods, organic body care, clothing, construction materials, biofuels, plastic composites and more (according to one source, more than 25,000 products can be made from hemp).

In the U.S., the first hemp plantings were in Jamestown, Virginia, where growing hemp was actually mandatory. From then on hemp was used in everything from 19th century clipper ship sails to the covers of pioneer wagons. The Declaration of Independence was drafted on hemp paper, and even the finest Bible paper today remains hemp-based.

In the early 20th century, hemp-derived cellulose was promoted as an affordable and renewable raw material for plastics; Henry Ford even built a prototype car from biocomposite materials, using agricultural fiber such as hemp.

After that things started to go downhill. In 1937, the passage of "Marihuana Tax Act" occurred, and, despite the U.S. government's "Hemp for Victory" campaign during World War II, misplaced fears that industrial hemp is the same as marijuana combined with targeted



Industrial hemp being grown for fiber and grain in France. (Photo credit: Wikipedia)

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harassment by law enforcement discouraged farmers from growing hemp. The last crop was grown in Wisconsin in 1958, and by 1970 the Controlled Substances Act (CSA) formally prohibited cultivation (although the state of Hawaii is home to the first industrial hemp crop to be cultivated since the passage of the CSA).

The Situation Today

Sustainable hemp seed, fiber and oil are still used in raw materials by major companies, including Ford Motors, Patagonia, and The Body Shop, to make a wide variety of products. However, most hemp product manufacturers are forced to import hemp seed, oil and fiber from growers in Canada, Europe, and China because American farmers are prohibited by law from growing this low-input sustainable crop.

In 2012 the U.S. hemp industry was valued at an estimated \$500 million in annual retail sales and growing for all hemp products, according to the Hemp Industries Association, a non-profit trade organization consisting of hundreds of hemp businesses.

Not only can hemp be used for an astonishing number of products, its net environmental benefit is impressive. Among the more salient features, hemp grows in a variety of climates and soil types, is naturally resistant to most pests, and grows very tightly spaced allowing it to outcompete most weeds. A natural substitute for cotton and wood fiber, hemp can also be pulped using fewer chemicals than wood because of its low lignin content. Its natural brightness can obviate the need to use chlorine bleach.

Why is this incredible plant illegal?

Because it is erroneously confounded with marijuana, and many policymakers believe that by legalizing hemp they are legalizing marijuana, which is not true. Canada, Britain, France, Germany, and Spain, along with over twenty other countries, cultivate and process industrial hemp without affecting the enforcement of marijuana laws. (More common misperceptions about hemp and factual rebuttals.)

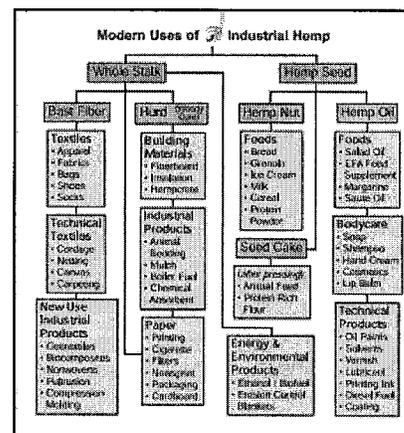
In fact, industrial hemp and marijuana are different breeds of *Cannabis sativa*; hemp has no value as a recreational drug. Actually smoking large amounts of hemp flowers can produce a significant headache, but not a high.

To delve further in the details, in most western countries industrial hemp is distinguished from marijuana on the basis of THC (the chief intoxicant in marijuana) content, which allows the growing of industrial hemp for fiber

and seed. Regulations in the E.U. and Canada (31 countries currently grow industrial hemp) limit THC levels in hemp flowers to 0.2 percent and 0.3 percent, respectively, and prevent attempts to camouflage marijuana in hemp fields. Comparatively, THC levels in marijuana flowers are generally between 3 percent and 15 percent.

A hemp revival is beginning to gain momentum.

Perception is beginning to shift in the U.S. Over the past several decades, there's been a resurgence of interest in hemp by a diverse but increasingly politically influential and unified group of businesses, farmers, nutritionists, activists, and green consumers.



What has to occur is a change in the federal policy to essentially revise the definition of “marijuana” so that the term excludes industrial hemp, and then enact specified procedures and requirements relating to growing industrial hemp and those who cultivate industrial hemp.

“A change in federal policy to once again allow hemp farming would mean instant job creation, among many other economic and environmental benefits,” says Tom Murphy, the National Outreach Coordinator of Vote Hemp.

Current Federal and State Legislative Progress

The Industrial Hemp Farming Act of 2013 (H.R. 525) was recently introduced in the House with 28 original co-sponsors, and it was quickly joined by a companion bill in the Senate (S. 359) which was introduced by Senators Ron Wyden (D-OR), Rand Paul (R-KY), Jeff Merkley (D-OR), and Minority Leader Mitch McConnell (R-KY), underscoring the bipartisan support around the hemp issue.

If passed, the bills would remove federal restrictions on the domestic cultivation of industrial hemp, defined as the non-drug oilseed and fiber varieties of *Cannabis*. The full text of the bills, as well as status and co-sponsors, [can be found online](#).

H.R. 525 is the fifth bill introduced in the U.S. House of Representatives in support of industrial hemp farming since the federal government outlawed it in the U.S. in 1971.

At the state level, the first hemp bill was introduced in Colorado in 1995. To date, 31 states have introduced pro-hemp legislation and 19 have passed such legislation.

- Eight states (Colorado, Maine, Montana, North Dakota, Oregon, Vermont, Washington and West Virginia) have defined industrial hemp as distinct and removed barriers to its production;
- Three states (Hawaii, Kentucky and Maryland) have passed bills creating commissions or authorizing hemp research;
- Nine states (California, Colorado, Illinois, Montana, New Hampshire, New Mexico, North Dakota, Vermont and Virginia) have passed hemp resolutions; and,
- Six states (Arkansas, Maine, Minnesota, New Mexico, North Carolina and Vermont) have passed hemp study bills.

However, despite state authorization to grow hemp, farmers in those states still risk raids by federal agents, prison time, and property and civil asset forfeiture if they plant the crop due to the failure of federal policy to distinguish non-drug oilseed and fiber varieties of *Cannabis* (i.e., industrial hemp) from psychoactive drug varieties (i.e., “marihuana”).

The Future of Hemp in the U.S.

Hemp is not a panacea for our social, economic, and environmental woes—no single crop can do that.

However, as we transition to a future that embraces more sustainable agriculture practices industrial hemp can help lead the way. With focused and sustained research and development, hemp could spur dramatic positive ecological and economic benefits. For instance, renewable, fast-growing hemp is a substitute for many unsustainable products like non-organic cotton (which currently uses more than 25 percent of the world’s insecticides and more than 10 percent of the world’s pesticides) and many plastic products.

In addition to supporting a federal policy change on industrial hemp, each of us can help grow the hemp marketplace by buying hemp products and also by staying informed and talking to our state and national representatives, and our friends and family, about the benefits of industrial hemp for the economy and the environment.

—

Logan Yonaujak is a freelance writer for Forbes.com, Ashoka Changemakers, and Nextbillion.net.

The 4th Annual Hemp History Week will be held next week, June 3-9, 2013.

“Modern Uses of Industrial Hemp” chart via

Testimony for Sept. 4 hearing

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Kelly King <ktk@biodiesel.com>

Fri 9/4/2015 7:46 AM

mark as unread

To: County Clerk;

Aloha,

I am submitting this testimony in strong support of the Resolution being considered by the Maui County Council on Friday, Sept 4, 2015 "Urging Congress to Pass the Industrial Hemp Farming Act of 2015". Pacific Biodiesel would like to include hemp in our biofuel crop trials if and when it becomes legal. It is our hope to also include crop trials on Maui in the near future.

Mahalo,

Kelly King
283-1954

Kelly King
Vice President
PACIFIC BIODIESEL
Tel (808) 877-3144
www.biodiesel.com

renewable / sustainable / community-based

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James R. Smith
P.O Box 970403
Paia, Maui, Hawaii 96779

Chair Person Mike White, and Members
Maui County Council
County of Maui

Testimony: Bill 60 amended

Today you consider for second and final reading Bill # 60. This Bill provides for the establishment of commercial use on land zoned by our State for agriculture use.

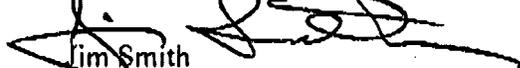
This legislation subverts our land use law and its premise that the Impermanence Syndrome must be thwarted in order to preserve our agricultural industry. In effect it advances the price and sale of real estate and rewards those entrepreneurs who have capitalized on this circumstance. Namely, that the higher the price one can sell land for, the less likely farm land will be worked to grow food. It will be sold.

HRS 205 was enacted to protect our community from this syndrome and now this Council advances this syndrome's debilitating effect.

I request you return this Bill to Committee for further consideration. As it reads, its only necessity for enactment appears to bring pleasure and enrichment, the "good life" to a transient community.

Specifically, the Bill exempts the provision of a farm plan and registration of a product stand that is 300 square feet in size. This occurs at Section 19.30A72 A (2) and at 19. 30 A72 at I. It also permits the sale of other food items when this idea appears to have been rejected by our State Legislature. These matters require further deliberation, as they effect land use boundaries and by extension Community Plan land use Boundaries.

Mahalo.



Jim Smith
09_04_15

Jim or Belinda

From: "Jim or Belinda" <2jbhome@hawaiiantel.net>
Date: Friday, September 04, 2015 10:47 AM
To: <County.Clerk@mauicounty.us>
Subject: Testimony related to Bill # 60 allowing Commercial Agricultural Structures

Honorable Chair and Members of the Maui County Council

Dear Chair and Members,

Today you consider for second and final reading Bill #60 that provides for the establishment of commercial use on agriculturally zoned land.

On its face it subverts our land use law and the premise that the Impermanence Syndrome must be thwarted in order to preserve our agricultural industry. In effect it advances the price and sale of real estate and rewards those entrepreneurs who have capitalized on this circumstance: Namely that the higher the price one can sell land for, the less likely farm land will be worked to grow food. It will be sold.

HRS 205 was enacted to protect our community from this syndrome and now this Council advances this syndromes debilitating effect.

I request you return this Bill to Committee for further consideration. As it roods, its only necessity for enactment is to bring pleasure and enrichment, the "good" life, to a transient community.

Specifically, exemption production of a farm plan and from registration of product stands 300 square feet in size. As occurs at section 19.30A72 A (2) and (1). And the allowing of sale "other food items". when this idea appears to have been rejected by our State Legislature. Require further deliberation, if land use boundaries and by extension community plan land use boundaries are to mean anything.

Mahalo,

Jim Smith
09_04_15



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